

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

The Estate of SUMMER JOLIE WILLIAMS TAYLOR, by and through MATTHEW D. TAYLOR, Personal Representative, ZOE ADBERG, SARA ANDERSON, MEGAN BUSS, GRACE CARMACK, LEANNA CARR, AISLING COONEY, ABIE EKENEZAR, EDWARD FARMER, NIMA FORGHANI, NOAH FOWLER, ZACHARY GARDNER, IAN GOLASH, GRACE GREGSON, MIRANDA HARDY, LEXUS HARTLEY, CLAYTON HOLLOBAUGH, JASON SCHIERER as guardian ad litem for minor MALICHI HOWE a.k.a. BRYAUNA HOWE, JESSE HUGHEY, AUBREANNA INDA, MARY JURGENSEN, TIMOTHY KAUCHAK, JOHN W. KELLIHER, JENNA KINYON, BEN KOENIGSBERG, JACOB KOENIGSBERG, SETH KRAMER, ERIC LOOK, DANIEL LUGO, JACOB MARTIN, JOSHUA MATNEY, CHLOE MERINO, LOGAN MILLER, TONI MILLS, ALESSANDRA MOWRY, KELSEY MURPHY-DUFORD, WESLEY PEACOCK, JORDAN A. PICKETT, CHARLES PIERCE, DANIEL PIERCE, CONOR POULL, RENEE RAKETTY, JAVIER RIZO, ALEXANDER RUEDEMANN, MICHAUD SAVAGE, CAROLYN STERNER, SEAN SWANSON, MEGHAN THOMPSON, BRUCE TOM, TIFFANY VERGARA-MADDEN, ALIYE VOLKAN, STEVEN WIDMAYER, JOSEPH WIESER, GILLIAN WILLIAMS, QUINN ZOSCHKE, and DOES 1-40;

Plaintiffs,

v.

CITY OF SEATTLE, a governmental entity, STATE OF WASHINGTON, a governmental entity, KING COUNTY, a governmental entity, and DAWIT KELETE, a single man;

Defendants.

No. 20-2-14351-1 SEA

THIRD AMENDED
COMPLAINT FOR
DAMAGES ON BEHALF
OF BLACK LIVES
MATTER PROTESTERS
FOR WRONGFUL
DEATH, PERSONAL
INJURIES, CIVIL RIGHTS
VIOLATIONS, AND
PUBLIC RECORDS ACT
VIOLATIONS

1 Plaintiffs allege:

2 **I. PREAMBLE**

3 Before Washington was allowed to become a state, it was required to draft and ratify a state
4 Constitution. During the summer of 1889, a group of 75 delegates drafted the Constitution which
5 was then ratified by territorial election. On November 11, 1889, President Harrison approved the
6 Constitution and Washington was admitted to the union.

7 Though the Constitution of the United States is the supreme law of the land, the
8 Washington State Constitution is the basis for creation and enactment of our local governments.
9 In Washington, all political power is inherent within The People. State and local governments
10 obtain their just powers from the consent of The People. And those powers are to be established
11 to protect and maintain individual rights.¹

12 City and State governmental entities operating in Seattle are not above the law. Their
13 solemn duties include protecting and serving The People. Even when The People are critical of or
14 peacefully disobedient towards those in power or who have law enforcement authority over them,
15 governments are not allowed to react out of irritation or anger. Governments are not allowed to
16 indiscriminately lash out against The People invoking their Constitutional rights to assemble and
17 protest, even if in disharmony with other laws. Governments are not allowed to create or contribute
18 to situations imperiling The People protesting.

19 Seattle has a long history of public protests by The People.

20 After the Kent State Shootings, on May 5, 1970 Interstate 5 was closed with police
21 physically present while 7,000 University of Washington anti-war student protesters marched
22

23
24 ¹ Washington State Constitution, Art. I, Sec. 1.

1 down the roadway without the police injuring or arresting the protesters.²



10 By contrast the City's handling of the 1999 WTO protests resulted in adverse rulings from
11 the Federal Courts against the City for its impermissible and excessive use of force against
12 protesters.³



² MOHAI archives.

³ Associated Press – Eric Draper photographer
THIRD AMENDED COMPLAINT FOR DAMAGES ON BEHALF OF
BLACK LIVES MATTER PROTESTERS FOR WRONGFUL DEATH,
PERSONAL INJURIES, CIVIL RIGHTS VIOLATIONS, AND PUBLIC
RECORDS ACT VIOLATIONS - 3

1 The City demonstrated that it could refrain from improperly harming protesters when, in
2 2017, more than 100,000 people flooded Seattle streets as part of the global Women's March. The
3 SPD employed no resistance to this political demonstration that was not about the police.



14 Following centuries of systemic discrimination and abuse against Black people in America,
15 on May 25, 2020, a 17-year-old teen captured cell phone footage of George Floyd's murder by
16 police. The public horror of watching Mr. Floyd's killing by law enforcement generated a spark
17 that ignited nationwide civil unrest to a degree perhaps not seen in a generation.

18 This lawsuit is filed on behalf of peaceful protesters in Seattle, all of whom were cloaked
19 within the power of the Washington State Constitution to engage in Freedom of Speech and
20 Assemblage on behalf The Black Lives Matter Movement and George Floyd.

21 This case alleges that in response to protests against police discrimination and brutality,
22 the SPD chose to engage in discrimination and brutality. The SPD defied conditions of a Federal
23 Consent Decree and violated its own policies, practices and procedures. Peaceful protesters were

1 unlawfully arrested and imprisoned – often for not being able to run away fast enough from
2 militarized police forces. To advance the agenda of discrimination and brutality, King County jail
3 employees strip searched peaceful protesters, and packed them tightly together in urine-soaked
4 cells with visible spittle and blood, during the time of the worst pandemic in modern history.

5 Finally, Plaintiffs have been stymied in their right to learn information about the City’s
6 handling of these protests through public records requests as authorized by RCW 42.56. Despite
7 Plaintiffs’ numerous requests for records, the City has ignored, stalled or otherwise engaged in
8 tactics contrary to the specific requirements of the statute to the detriment of these Plaintiffs as
9 they attempt to seek the truth and to hold these governmental entities responsible for the matters
10 raised in this complaint.

11 II. PARTIES

12 PLAINTIFFS

13 2.1 At all material times The Taylor family resided in Seattle, King County, Washington.
14 Matthew Taylor was appointed the Personal Representative of the Estate of Summer Jolie
15 Williams Taylor, on July 10, 2020, in the Superior Court of King County, Washington,
16 Cause No. 20-4-04028-0 SEA. He brings claims as personal representative of the Estate of
17 Summer Jolie Williams Taylor, on behalf of statutory beneficiaries Matthew D. Taylor
18 (father of Summer Taylor), Dalia Ruth Williams Taylor (mother), and Luke W. Taylor
19 (brother).

20 2.2 At all material times, Plaintiff Zoe Adberg was a resident of Seattle, King County,
21 Washington.

22 2.3 At all material times, Plaintiff Sara Anderson was a resident of Renton, King County,
23 Washington.

2.4 At all material times, Plaintiff Megan Buss was a resident of Seattle, King County, Washington.

2.5 At all material times, Plaintiff Grace Carmack was a resident of Seattle, King County, Washington.

2.6 At all material times, Plaintiff Leanna Carr was a resident of Seattle, King County, Washington.

2.7 At all material times, Plaintiff Aisling Cooney was a resident of Seattle, King County, Washington.

2.8 At all material times, Plaintiff Abie Ekenezar was a resident of Tacoma, Pierce County, Washington.

2.9 At all material times, Plaintiff Edward Farmer was a resident of Seattle, King County, Washington.

2.10 At all material times, Plaintiff Nima Forghani was a resident of Seattle, King County, Washington.

2.11 At all material times, Plaintiff Noah Fowler was a resident of Seattle, King County, Washington.

2.12 At all material times, Plaintiff Zachary Gardner was a resident of Seattle, King County, Washington.

2.13 At all material times, Plaintiff Ian Golash was a resident of Seattle, King County, Washington.

2.14 At all material times, Plaintiff Grace Gregson was a resident of Seattle, King County, Washington.

2.15 At all material times, Plaintiff Miranda Hardy was a resident of Seattle, King County,

1 Washington.

2 2.16 At all material times, Plaintiff Lexus Hartley was a resident of Bellevue, King County,
3 Washington.

4 2.17 At all material times, Plaintiff Clayton Hollobaugh was a resident of Seattle, King County,
5 Washington.

6 2.18 At all material times, Plaintiff Malichi Howe a.k.a. Bryauna Howe, a minor, was a resident
7 of Kent, King County, Washington. Their⁴ father, Jason Schierer, guardian ad litem brings
8 claims on their behalf.

9 2.19 At all material times, Plaintiff Jesse Hughey was a resident of Seattle, King County,
10 Washington.

11 2.20 At all material times, Plaintiff Aubreanna Inda was a resident of Lake Forest Park, King
12 County, Washington. She currently resides in Seattle.

13 2.21 At all material times, Plaintiff Mary Jurgensen was a resident of Seattle, King County,
14 Washington.

15 2.22 At all material times, Plaintiff Timothy Kauchak was a resident of Seattle, King County,
16 Washington.

17 2.23 At all material times, Plaintiff John W. Kelliher was a resident of Seattle, King County,
18 Washington.

19 2.24 At all material times, Plaintiff Jenna Kinyon was a resident of Spanaway, Pierce County,
20 Washington.

21 2.25 At all material times, Plaintiff Ben Koenigsberg was a resident of Seattle, King County,
22

23 ⁴ Multiple plaintiffs in this lawsuit are non-binary. In all such cases we use the honorific "Mx." and use they/them
24 pronouns.

1 Washington.

2 2.26 At all material times, Plaintiff Jacob Koenigsberg was a resident of Seattle, King County,
3 Washington.

4 2.27 At all material times, Plaintiff Seth Kramer was a resident of Seattle, King County,
5 Washington.

6 2.28 At all material times, Plaintiff Eric Look was a resident of Bellevue, King County,
7 Washington.

8 2.29 At all material times, Plaintiff Daniel Lugo was a resident of Seattle, King County,
9 Washington.

10 2.30 At all material times, Plaintiff Jacob Martin was a resident of Seattle, King County,
11 Washington.

12 2.31 At all material times, Plaintiff Joshua Matney was a resident of Seattle, King County,
13 Washington.

14 2.32 At all material times, Plaintiff Chloe Merino was a resident of Seattle, King County,
15 Washington.

16 2.33 At all material times, Plaintiff Logan Miller was a resident of Seattle, King County,
17 Washington.

18 2.34 At all material times, Plaintiff Toni Mills was a resident of Seattle, King County,
19 Washington.

20 2.35 At all material times, Plaintiff Alessandra Mowry was a resident of Seattle, King County,
21 Washington.

22 2.36 At all material times, Plaintiff Kelsey Murphy-Duford was a resident of Renton, King
23 County, Washington.

1 2.37 At all material times, Plaintiff Wesley Peacock was a resident of Renton, King County,
2 Washington.

3 2.38 At all material times, Plaintiff Jordan A. Pickett was a resident of Seattle, King County,
4 Washington.

5 2.39 At all material times, Plaintiff Charles Pierce was a resident of Seattle, King County,
6 Washington.

7 2.40 At all material times, Plaintiff Daniel Pierce was a resident of Seattle, King County,
8 Washington.

9 2.41 At all material times, Plaintiff Conor Poull was a resident of Seattle, King County,
10 Washington.

11 2.42 At all material times, Plaintiff Renee Raketty was a resident of Seattle, King County,
12 Washington.

13 2.43 At all material times, Plaintiff Javier Rizo was a resident of Mountlake Terrace, Snohomish
14 County, Washington.

15 2.44 At all material times, Plaintiff Alexander Ruedemann was a resident of Seattle, King
16 County, Washington.

17 2.45 At all material times, Plaintiff Michaud Savage was a resident of Seattle, King County,
18 Washington.

19 2.46 At all material times, Plaintiff Carolyn Sterner was a resident of Seattle, King County,
20 Washington

21 2.47 At all material times, Plaintiff Sean Swanson was a resident of Seattle, King County,
22 Washington.

23 2.48 At all material times, Plaintiff Meghan Thompson was a resident of Seattle, King County,

Washington.

2.49 At all material times, Plaintiff Bruce Tom was a resident of Seattle, King County, Washington.

2.50 At all material times, Plaintiff Tiffany Vergara-Madden was a resident of Seattle, King County, Washington.

2.51 At all material times, Plaintiff Aliye Volkan was a resident of Seattle, King County, Washington. She currently resides in Istanbul.

2.52 At all material times, Plaintiff Steven Widmayer was a resident of Seattle, King County, Washington.

2.53 At all material times, Plaintiff Joseph Wieser was a resident of Seattle, King County, Washington.

2.54 At all material times, Plaintiff Gillian Williams was a resident of Seattle, King County, Washington.

2.55 At all material times, Plaintiff Quinn Zoschke was a resident of Seattle, King County, Washington.

2.56 Does 1-40 are peaceful protesters injured by Defendants while exercising their First Amendment rights, who have filed or will file tort claims, and who will be named as Plaintiffs to this complaint after the 60-day tort claim waiting period has expired.

DEFENDANTS

2.57 Defendant City of Seattle is a first-class city as described in RCW 35.22.010 and is governed and organized in accordance with the Washington State Constitution Article 11, Section 10, Amendment 40. The Seattle Police Department is established according to the City Charter Article VI. The City of Seattle is located in King County, Washington.

1 2.58 The City of Seattle is vicariously liable for all of its employees' acts and omissions,
2 including but not limited to the acts and omissions of Seattle Police Department officers
3 and other employees.

4 2.59 Defendant State of Washington is a governmental entity that owns and operates Interstate
5 5 (I-5) in King County. The Washington State Patrol is a department of the state
6 government established according to RCW 43.43 et. seq.

7 2.60 The State of Washington is vicariously liable for all of its employees' acts and omissions,
8 including but not limited to the acts and omissions of its state patrol officers and other
9 employees.

10 2.61 Defendant King County is a governmental entity and is governed and organized in
11 accordance with the Washington State Constitution Article 11. King County operates the
12 King County Department of Adult & Juvenile Detention, which provides jail services for
13 inmates confined in detention facilities including but not limited to the King County
14 Correctional Facility.

15 2.62 The King County is vicariously liable for all of its employees' acts and omissions,
16 including but not limited to the acts and omissions of officers and other employees of the
17 King County Correctional Facility, the Department of Adult & Juvenile Detention, the
18 Department of Corrections, and Jail Health Services.

19 2.63 Defendant Dawit Kelete, at all material times, was a resident of Seattle, King County,
20 Washington.

21 III. NOTICE OF CLAIM FILING

22 Plaintiffs filed the following Claims for Damages:

23 3.1 Zoe Adberg: Her claim was filed with the City of Seattle on October 4, 2020. More than

60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.2 Sara Anderson: Her claim was filed with the City of Seattle on August 6, 2020. This claim was assigned Claim No. C-99178. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.3 Megan Buss: Their claim was filed with the City of Seattle on November 20, 2020. This claim was assigned Claim No. C-99659. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.4 Grace Carmack: Their claim was filed with the City of Seattle on August 28, 2020. This claim was assigned Claim No. C-99266. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.5 Leanna Carr: Her claim was filed with the City of Seattle on October 30, 2020. This claim was assigned Claim No. C-99570. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

1 3.6 Aisling Cooney: Her claim was filed with the City of Seattle on October 5, 2020. This
2 claim was assigned Claim No. C-99440. Her claim was filed with King County on October
3 5, 2020. This claim has not been assigned a number. More than 60 days have elapsed since
4 these claims were filed before the filing of this plaintiff's complaint against Defendants
5 City of Seattle and King County in the above-entitled court. The filing of this claim
6 properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

7 3.7 Abie Ekenezar: Her claim was filed with the City of Seattle on September 15, 2020. This
8 claim was assigned Claim No. C-99324. More than 60 days have elapsed since this claim
9 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
10 the above-entitled court. The filing of this claim properly satisfied the notice and other
11 procedural requirements of RCW 4.96 et. seq.

12 3.8 Edward Farmer: His claim was filed with the City of Seattle on September 15, 2020. This
13 claim was assigned Claim No. C-99325. More than 60 days have elapsed since this claim
14 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
15 the above-entitled court. The filing of this claim properly satisfied the notice and other
16 procedural requirements of RCW 4.96 et. seq.

17 3.9 Nima Forghani: His claim was filed with the City of Seattle on October 15, 2020. This
18 claim was assigned Claim No. C-99264. More than 60 days have elapsed since this claim
19 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
20 the above-entitled court. The filing of this claim properly satisfied the notice and other
21 procedural requirements of RCW 4.96 et. seq.

22 3.10 Noah Fowler: His claim was filed with the City of Seattle on November 18, 2020. This
23 claim was assigned Claim No. C-99648. His claim was filed with King County on

November 18, 2020. This claim has not been assigned a number. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and King County in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.11 Zachary Gardner: His claim was filed with the City of Seattle on October 15, 2020. This claim was assigned Claim No. C-99441. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.12 Ian Golash: His claim was filed with the City of Seattle on October 12, 2020. This claim was assigned Claim No. C-99480. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.13 Grace Gregson: Her claim was filed with the City of Seattle on December 7, 2020. This claim was assigned Claim No. C-99721. Her claim was filed with King County on December 7, 2020. This claim has not been assigned a number. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and King County in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.14 Miranda Hardy: Her claim was filed with the City of Seattle on November 19, 2020. This claim was assigned Claim No. C-99151. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in

the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.15 Lexus Hartley: Her claim was filed with the City of Seattle on September 15, 2020. This claim was assigned Claim No. C-99321. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.16 Clayton Hollobaugh: Their claim was filed with the City of Seattle on October 6, 2020. This claim was assigned Claim No. C-99447. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.17 Malichi Howe a.k.a. Bryauna Howe: Their claim was filed with the City of Seattle on July 13, 2020. This claim was assigned Claim No. C-99106. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.18 Jesse Hughey: His claim was filed with the City of Seattle on September 3, 2020. This claim was assigned Claim No. C-99288. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.19 Aubreanna Inda: Her claim was filed with the City of Seattle on September 2, 2020. This

1 claim was assigned Claim No. C-99281. More than 60 days have elapsed since this claim
2 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
3 the above-entitled court. The filing of this claim properly satisfied the notice and other
4 procedural requirements of RCW 4.96 et. seq.

5 3.20 Mary Jurgensen: Her claim was filed with the City of Seattle on August 28, 2020. This
6 claim was assigned Claim No. C-99270. More than 60 days have elapsed since this claim
7 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
8 the above-entitled court. The filing of this claim properly satisfied the notice and other
9 procedural requirements of RCW 4.96 et. seq.

10 3.21 Timothy Kauchak: His claim was filed with the City of Seattle on January 12, 2021. This
11 claim was assigned Claim No. C-99882. More than 60 days have elapsed since this claim
12 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
13 the above-entitled court. The filing of this claim properly satisfied the notice and other
14 procedural requirements of RCW 4.96 et. seq.

15 3.22 John W. Kelliher: His claim was filed with the City of Seattle on July 13, 2020. This claim
16 was assigned Claim No. C-99107. More than 60 days have elapsed since this claim was
17 filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the
18 above-entitled court. The filing of this claim properly satisfied the notice and other
19 procedural requirements of RCW 4.96 et. seq.

20 3.23 Jenna Kinyon: Her claim was filed with the City of Seattle on July 13, 2020. This claim
21 was assigned Claim No. C-99108. More than 60 days have elapsed since this claim was
22 filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the
23 above-entitled court. The filing of this claim properly satisfied the notice and other

procedural requirements of RCW 4.96 et. seq.

3.24 Ben Koenigsberg: His claim was filed with the City of Seattle on October 6, 2020. This claim was assigned Claim No. C-99446. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.25 Jacob Koenigsberg: His claims were filed with the City of Seattle and King County on October 6, 2020 and October 7, 2020, respectively. His City of Seattle claim was assigned Claim No. C-99442. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and King County in the above-entitled court. The filing of these claims properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.26 Seth Kramer: His claim was filed with the City of Seattle on September 6, 2020. This claim was assigned Claim No. C-99293. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.27 Eric Look: His claim was filed with the City of Seattle on November 15, 2020. This claim was assigned Claim No. C-99620. His claim was filed with King County on October 5, 2020. This claim has not been assigned a number. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and King County in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

1 3.28 Daniel Lugo: His claim was filed with the City of Seattle on November 15, 2020. This
2 claim was assigned Claim No. C-99622. More than 60 days have elapsed since this claim
3 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
4 the above-entitled court. The filing of this claim properly satisfied the notice and other
5 procedural requirements of RCW 4.96 et. seq.

6 3.29 Jacob Martin: His claim was filed with the City of Seattle on November 15, 2020. This
7 claim was assigned Claim No. C-99621. More than 60 days have elapsed since this claim
8 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
9 the above-entitled court. The filing of this claim properly satisfied the notice and other
10 procedural requirements of RCW 4.96 et. seq.

11 3.30 Joshua Matney: His claim was filed with the City of Seattle on November 13, 2020. This
12 claim was assigned Claim No. C-99618. More than 60 days have elapsed since this claim
13 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
14 the above-entitled court. The filing of this claim properly satisfied the notice and other
15 procedural requirements of RCW 4.96 et. seq.

16 3.31 Chloe Merino: Her claim was filed with the City of Seattle on September 15, 2020. This
17 claim was assigned Claim No. C-99322. More than 60 days have elapsed since this claim
18 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
19 the above-entitled court. The filing of this claim properly satisfied the notice and other
20 procedural requirements of RCW 4.96 et. seq.

21 3.32 Logan Miller: His claim was filed with the City of Seattle on October 4, 2020. This claim
22 was assigned Claim No. C-99432. More than 60 days have elapsed since this claim was
23 filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the

above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.33 Toni Mills: Her claim was filed with King County on October 7, 2020. King County assigned the claim No. 71265. Her claim was filed with the City of Seattle on November 25, 2020. The City assigned the claim No. C-99677. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants King County and City of Seattle in the above-entitled court. The filing of these claims properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.34 Alessandra Mowry: Her claim was filed with the City of Seattle on November 19, 2020. This claim was assigned Claim No. C-99652. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.35 Kelsey Murphy-Duford: His claim was filed with the City of Seattle on November 5, 2020. This claim was assigned Claim No. C-99589. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.36 Wesley Peacock: His claim was filed with King County on October 7, 2020. King County assigned the claim No. 71264. His claim was filed with the City of Seattle on November 25, 2020. The City assigned the claim No. C-99679. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants King County and City of Seattle in the above-entitled court. The filing of these claims

properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.37 Jordan A. Pickett: His claim was filed with the City of Seattle on July 13, 2020. This claim was assigned Claim No. C-99109. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.38 Charles Pierce: His claim was filed with the City of Seattle on September 3, 2020. This claim was assigned Claim No. C-99827. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.39 Daniel Pierce: His claim was filed with the City of Seattle on July 13, 2020. This claim was assigned Claim No. C-99110. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.40 Conor Poull: His claim was filed with the City of Seattle on November 15, 2020. This claim was assigned Claim No. C-99623. His claim was filed with King County on November 15, 2020. This claim has not been assigned a number. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and King County in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.41 Renee Raketty: Her claim was filed with the City of Seattle on September 21, 2020. This

claim was assigned Claim No. C-99349. More than 60 days have elapsed since this claim was filed and before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.42 Javier Rizo: His claim was filed with the City of Seattle on December 7, 2020. This claim was assigned Claim No. C-99713. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.43 Alexander Ruedemann: His claim was filed with the City of Seattle on September 15, 2020. This claim was assigned Claim No. C-99323. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.44 Michaud Savage: His claim was filed with the City of Seattle on October 30, 2020. This claim was assigned Claim No. C-99571. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.45 Carolyn Sterner: Her claim was filed with the City of Seattle on November 17, 2020. This claim was assigned Claim No. C-99637. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other

procedural requirements of RCW 4.96 et. seq.

3.46 Sean Swanson: His claim was filed with the City of Seattle on November 25, 2020. This claim was assigned Claim No. C-99680. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.47 Estate of Summer Jolie Williams Taylor: Their claims were filed with the City of Seattle and the State of Washington on July 13, 2020. Their City of Seattle claim was assigned Claim No. C-99101. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and State of Washington in the above-entitled court. The filing of these claims properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.48 Dalia Ruth Williams Taylor: Her claims were filed with the City of Seattle and the State of Washington on July 13, 2020. Her City of Seattle claim was assigned Claim No. C-99102. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and State of Washington in the above-entitled court. The filing of these claims properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.49 Matthew D. Taylor: His claims were filed with the City of Seattle and the State of Washington on July 13, 2020. His City of Seattle claim was assigned Claim No. C-99103. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and State of Washington in the above-entitled court. The filing of these claims properly satisfied the notice and other

procedural requirements of RCW 4.96 et. seq.

3.50 Luke W. Taylor: His claims were filed with the City of Seattle and the State of Washington on July 13, 2020. His City of Seattle claim was assigned Claim No. C-99104. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and State of Washington in the above-entitled court. The filing of these claims properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.51 Meghan Thompson: Her claim was filed with the City of Seattle on August 6, 2020. This claim was assigned Claim No. C-99179. More than 60 days have elapsed since this claim was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.52 Bruce Tom: His claim was filed with the City of Seattle on September 2, 2020. This claim was assigned Claim No. C-99282. More than 60 days have elapsed since this claim was filed and before the filing of this plaintiff's complaint against Defendant City of Seattle in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq.

3.53 Tiffany Vergara-Madden: Her claim was filed with the City of Seattle on November 29, 2020. This claim was assigned Claim No. C-99646. Her claim was filed with King County on November 29, 2020. This claim has not been assigned a number. More than 60 days have elapsed since these claims were filed before the filing of this plaintiff's complaint against Defendants City of Seattle and King County in the above-entitled court. The filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96

1 et. seq.

2 3.54 Aliye Volkan: Her claim was filed with the City of Seattle on September 2, 2020. This
3 claim was assigned Claim No. C-99283. More than 60 days have elapsed since this claim
4 was filed and before the filing of this plaintiff's complaint against Defendant City of Seattle
5 in the above-entitled court. The filing of this claim properly satisfied the notice and other
6 procedural requirements of RCW 4.96 et. seq.

7 3.55 Steven Widmayer: His claim was filed with the City of Seattle on August 6, 2020. This
8 claim was assigned Claim No. C-99180. More than 60 days have elapsed since this claim
9 was filed before the filing of this plaintiff's complaint against Defendant City of Seattle in
10 the above-entitled court. The filing of this claim properly satisfied the notice and other
11 procedural requirements of RCW 4.96 et. seq.

12 3.56 Joseph Wieser: His claim was filed with the City of Seattle on July 13, 2020. This claim
13 was assigned Claim No. C-99111. More than 60 days have elapsed since this claim was
14 filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the
15 above-entitled court. The filing of this claim properly satisfied the notice and other
16 procedural requirements of RCW 4.96 et. seq.

17 3.57 Gillian Williams: Her claim was filed with the City of Seattle on July 13, 2020. This claim
18 was assigned Claim No. C-99112. More than 60 days have elapsed since this claim was
19 filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the
20 above-entitled court. The filing of this claim properly satisfied the notice and other
21 procedural requirements of RCW 4.96 et. seq.

22 3.58 Quinn Zoschke: His claim was filed with the City of Seattle on August 24, 2020. This claim
23 was assigned Claim No. C-99260. More than 60 days have elapsed since this claim was

1 filed before the filing of this plaintiff's complaint against Defendant City of Seattle in the
2 above-entitled court. The filing of this claim properly satisfied the notice and other
3 procedural requirements of RCW 4.96 et. seq.

4 3.59 To the extent the Plaintiffs continue to engage in peaceful protest activities but are met
5 with the governments' continuation of unlawful force and activities as described in the
6 initial tort claim forms and as further described in this lawsuit; then the respective filing of
7 notice of tort claim processes have been fully satisfied and no further statutory notices need
8 to be filed for the ongoing incidents.

9 IV. JURISDICTION AND VENUE

10 4.1 The Superior Court of King County, State of Washington, has subject matter jurisdiction
11 over this action pursuant to RCW 2.08.010.

12 4.2 Jurisdiction and venue are proper in the Superior Court of Washington King County Seattle
13 Division because the incidents occurred in Seattle, King County, Washington, and because
14 Defendants City of Seattle and King County are located there.

15 V. FACTS

16 Seattle Police Department's Civil Rights and Use of Force History

17 5.1 For over 20 years, the Seattle Police Department (SPD) has had many opportunities to learn
18 from its mistakes involving excessive use of force, particularly against People of Color; as
19 well as its indiscriminate and excessive use of "less lethal" Crowd Control Weapons in
20 response to protected speech.

21 **1999 World Trade Organization Protests**

22 5.2 In 1999, protests occurred when the World Trade Organization (WTO) Ministerial
23 Conference was held in Seattle. Protesters focused on issues including workers' rights,

sustainable economies, and environmental and social issues.⁵

5.3 Both the Mayor of Seattle and the Governor declared a state of emergency in response to the protests. The City was criticized worldwide for mishandling the protests and for being unprepared.⁶

5.4 Months of analysis followed the WTO, exploring issues surrounding the rights of free speech and assembly, abuse by law enforcement officers, and mistreatment of individuals taken into custody.⁷ Class action lawsuits resulted in the City agreeing to pay \$1,250,000, sealing all the protesters' arrest records, requesting that other government agencies expunge the arrests from their records, and incorporating into its police training the federal court decision holding that police lacked probable cause for the arrests.⁸



⁵ <https://www.seattle.gov/cityarchives/exhibits-and-education/digital-document-libraries/world-trade-organization-protests-in-seattle> (accessed August 20, 2020).

⁶ *Id.*

⁷ *Id.*

⁸ https://www.publicjustice.net/case_brief/hankin-v-city-of-seattle/ (accessed August 20, 2020).

2012 Department of Justice Consent Decree

5.5 Ten years after WTO, 35 community organizations wrote the United States Department of Justice (DOJ) and United States Attorney Jenny Durkan (current City Mayor), to request investigation of the SPD's use of excessive force, particularly against People of Color.⁹

5.6 The DOJ completed its investigation in 2011 and issued a report documenting a "pattern or practice of constitutional violations regarding the use of force that result from structural problems, as well as serious concerns about biased policing." This report was signed by Jenny Durkan.¹⁰

5.7 In 2012, the United States and Seattle entered a Consent Decree requiring significant reforms of the SPD, including new use-of-force policies and trainings that emphasize de-escalation, as well as new supervision and oversight with community involvement.¹¹

2015 Black Lives Matter Protests and May Day 2015

5.8 In 2015, the Community Police Commission (CPC)¹² made recommendations specifically in response to the SPD's handling of Black Lives Matter marches in the wake of the events in Ferguson, Missouri,¹³ as well as the events of May Day 2015.¹⁴ The key issues raised

⁹ http://www.seattle.gov/Documents/Departments/Council/Members/Harrell/DOJ/2012-01aclu_ltr120310.pdf (December 3, 2010).

¹⁰ https://www.justice.gov/sites/default/files/crt/legacy/2011/12/16/spd_findletter_12-16-11.pdf (December 16, 2011).

¹¹ United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 3-1, Settlement Agreement and Stipulated Order of Resolution (July 27, 2012).

¹² The CPC was created by the Consent Decree to "promote greater transparency and public understanding of the Seattle Police Department" and charged with reviewing the police accountability system and making any necessary recommendations. Members are representative of "the many and diverse communities in Seattle, including members from each precinct of the city, police personnel, faith communities, minority, ethnic, and other community organizations, and student or youth organizations."

¹³ On August 9, 2014, Michael Brown, an 18-year-old Black male, was shot and killed by police officer Darren Wilson in Ferguson, Missouri. Demonstrations were held in Seattle near the end of 2014, after a Missouri grand jury failed to indict Officer Wilson.

¹⁴ May 1, also known as International Workers' Day, annually draws gatherings, marches, demonstrations, and protests in Seattle. Although many of these events are peaceful, May Day has also resulted in violence.

by the CPC included:

- Movement control and permitting selective access depending on perceived affiliation with a demonstration (herding or directing marchers away from their intended destinations, elevating business interests over the free speech rights of demonstrators).
- Inaccurate statements made by SPD leadership that diminished public trust (denying that the movement of marchers was curtailed and inaccurately describing an “assault” on an officer who in fact fell during a march).
- Targeting specific individuals such as leaders of demonstrations (giving the impression that SPD was trying to demobilize the demonstration rather than make enforcement actions based on the alleged criminal behavior of particular individuals).
- Out of policy/harmful use of pepper spray, blast balls and other projectiles (spraying peaceful demonstrators with pepper spray, using blast balls in the immediate vicinity of masses of demonstrators causing significant and painful injury).
- Unnecessary use of intimidating tactics (deploying a disproportionate number of officers in “riot gear” to relatively small events and marches).
- Disparate responses to demonstrators of different racial and perceived political identities (treating white demonstrators differently than People of Color, uttering racial slurs against certain demonstrators).¹⁵



¹⁵ <https://seattlecpc.files.wordpress.com/2020/06/final-re-spd-responsetopost-fergusonblacklivesmatterdemonstrations05-19-15.pdf> (May 19, 2015).

5.9 The Seattle City Council is the legislative body of the city. The Council develops laws and policies intended to promote the health and safety of Seattle’s residents. The Council passes all legislation related to the city’s police.¹⁶

5.10 City Council members criticized the SPD’s handling of May Day 2015, including an incident where a police officer rode his bike directly into a group of protesters, from behind, tackling one of them. Council Member Bruce Harrell called this: “the first act of violence, the first act of unfairness... that created the melee”). The Council also condemned the SPD’s use of “blast balls” causing injuries to protesters and at least two reporters. The SPD’s own blast ball training video at the time explicitly warned against throwing them into crowds.¹⁷

5.11 Two months later, then-SPD Chief Kathleen O’Toole announced the assembly of a group of “independent, national experts to review the Seattle Police Department’s performance in crowd management,” including the Center for Policing Equity¹⁸ and police expert Steve Ijames.¹⁹ However, no recommendations were ever publicly presented.²⁰

5.12 While these reports were pending, the Office of Police Accountability (OPA) also made recommendations to the SPD regarding various use-of-force issues in response to May Day 2015, including:

- Re-evaluating how and under what circumstances SPD officers used blast balls as a

¹⁶ <http://www.seattle.gov/council/>

¹⁷ <https://www.thestranger.com/blogs/slog/2015/05/07/22176478/city-counc> (May 7, 2015).

¹⁸ A research center founded at University of California-Los Angeles (now at Yale University) that collects data and helps law enforcement agencies identify ways to improve their relationship with the communities they serve.

¹⁹ <https://spdblotter.seattle.gov/2015/07/28/chief-otoole-announces-partnership-to-review-crowd-management-practices/> (July 28, 2015).

²⁰ <https://www.kuow.org/stories/unanswered-letters-buried-reports-critics-say-spd-response-on-crowd-control-is-overdue> (June 26, 2020). It appears the report by Mr. Ijames ultimately became public record in 2018 as a result of a lawsuit against the SPD for damages caused by the use of blast balls in May Day 2016, and in 2020 the Center for Policing Equity report was released in response to a news inquiry and published online. They may have also been released on an individual basis in response to specific public disclosure or discovery requests.

means of moving or dispersing crowds (noting that contrary to SPD's supposed policy and training, blast balls exploded "in extremely close proximity to people, not all of whom were engaged in destruction of property or posed a threat to public safety" – which put protesters at risk of serious injury or even death).

- Changing how blast balls are inventoried and controlled within the SPD ("These devices are munitions and must be treated as such").
- Reviewing SPD's policy and training with respect to the use of less lethal projectiles in crowd management situations to reduce the chances of them striking the wrong person including people lawfully exercising their constitutional rights, or causing serious bodily injury.
- Curtailing the use of officers from mutual aid agencies in direct crowd management assignments.
- Studying how the SPD documents and investigates the use of force by officers during crowd management situations and demonstrations or protests.
- Making names and/or serial numbers of officers more visible, including when officers are wearing body armor, for better identification in photographs and videos taken during events.
- Rethinking its approach to planning and providing policing services in relation to protests and demonstrations, specifically by looking beyond sources with military experience in order to search for best practices for supporting the free expression of public protests while limiting the use of force necessary to promote public safety, and by seeking "an effective means by which Seattle's many diverse peoples and neighborhoods can actively participate in this process and communicate to SPD how they want their police service to handle protests and demonstrations in their city."²¹

5.13 Chief O'Toole quickly acknowledged and responded to the OPA's concerns, noting:

Because we in Seattle, including the SPD, are so committed to supporting First Amendment rights to assemble and be heard, we find ourselves very much at the forefront of developing an approach that will ensure our ability to facilitate demonstrations of this type, while at the same time protecting persons and property from the violence and destruction that, unfortunately, seems to occur each year. We know that the work we are doing now, in collaboration with our federal partners, the Monitoring Team, and a team of nationally recognized experts, may ultimately serve as a model for other agencies around the country, and we take seriously the importance of developing policies and procedures that are well researched, well informed

²¹ http://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/PM-OToole_MA_letter_%202015-0643.pdf (December 10, 2015).

and – importantly – workable in practice.²²

5.14 Mr. Ijames issued his report to the SPD in April 2016, shortly before May Day 2016. Yet he was not as “independent” as Chief O’Toole led the public to believe. Before he was selected, Mr. Ijames and Chief O’Toole had a prior working relationship. In his initial communications with the SPD, he stated he was “fine working void of payment,” noting that “In some cases, payment can impact-most often negatively-how findings are perceived.” After Mr. Ijames issued his preliminary report on April 10, 2016, the SPD made numerous revisions to his report based upon documents he had not seen – revisions that he rapidly accepted.²³

May Day 2016

5.15 In his April 2016 report, Mr. Ijames recommended that the SPD be prepared to conduct an inquiry into its deployment of blast balls, if used, in the upcoming May Day – reiterating the concerns of others like the CPC and OPA that blast balls should never be used “in unreasonably close proximity to a human being,” given their explosive nature and their known risk of causing death or serious injury.²⁴

5.16 As of June 2020, the Seattle Office of Inspector General (OIG) could not confirm if the SPD had completed the recommended inquiry.²⁵

5.17 Mr. Ijames also recommended that the SPD be prepared to conduct an inquiry into “the specific process involving the issuing, deployment, and firing of impact projectile (less

²² http://www.seattle.gov/documents/Departments/OPA/ManagementAction/COP_Response_2015OPA-0643_MA.pdf (January 8, 2016).

²³ Levine v. City of Seattle, 2:16-cv-01284-TSZ, Doc. 40, 41, Plaintiff’s Motion for Relief and Sanctions, Declaration of Dan Kalish in Support of Plaintiff’s Motion for Relief and Sanctions (April 26, 2018).

²⁴ <https://kuow-prod.imgix.net/store/6d06e067760828b0b42b902ffde3eef0.pdf> (April 28, 2016).

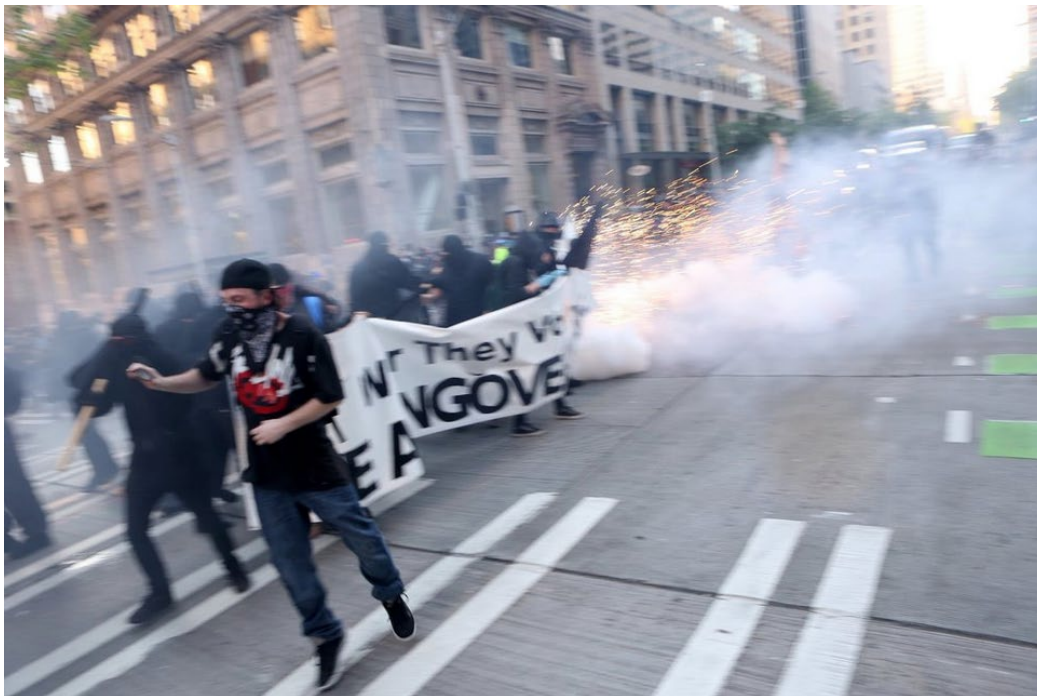
²⁵ <https://www.seattle.gov/Documents/Departments/OIG/Other/LessLethalWeaponsUsage06122020.pdf> (June 12, 2020).

lethal projectiles) launchers during May Day 2016....”²⁶

5.18 In advance of May Day 2016, the CPC reviewed a draft of the SPD crowd management training material, and suggested changes based upon their observations that: “1) the consequences of using blast balls were minimized, and 2) de-escalation principles in a mass context were not emphasized clearly enough.”²⁷

5.19 The SPD did not allow the CPC to observe the actual training to confirm whether its recommendations were incorporated.²⁸

5.20 By that point the SPD had commissioned, reviewed, and even edited Mr. Ijames’ report. The SPD had also received recommendations from CPC, OPA and others. Yet on May Day 2016 just as in the year before, the SPD engaged in similar excessive use of force and excessive use of Crowd Control Weapons.



²⁶ <https://kuow-prod.imgix.net/store/6d06e067760828b0b42b902ffde3eef0.pdf> (April 28, 2016).

²⁷ <https://seattlecpc.files.wordpress.com/2020/06/final-cpc-letter-to-city-stakeholders-re-blast-balls-6-13-16.pdf> (June 13, 2016).

²⁸ *Id.*

1 5.21 After examining SPD's continuation of its prior dangerous tactics, the CPC specifically
2 called for the immediate cessation of blast ball use. The CPC noted that, despite its
3 warnings and recommendations, the injuries incurred by numerous non-violent observers
4 on May Day 2016 demonstrated that "further examination of the use of these tools [was]
5 warranted."²⁹

6 5.22 The SPD never stopped using blast balls during mass protest or crowd control events.

7 **Disciplinary and Accountability Failures**

8 5.23 The SPD's problems throughout the past decade are not limited to the excessive use of
9 force, excessive use of Crowd Control Weapons, and disparate treatment of People of
10 Color. The SPD has also experienced significant discipline and accountability failures.

11 5.24 In 2014, following a scandal caused by a new Interim Chief of Police reversing several
12 findings of officer misconduct and discipline orders, the CPC provided the Mayor, City
13 Council, and City Attorney a thorough set of Accountability System Recommendations
14 developed with input from civilian oversight experts and community leaders.³⁰

15 5.25 In 2017, the City Council unanimously passed, and the Mayor signed, Accountability
16 Ordinance No. 125315, creating an integrated structure of community input and civilian
17 oversight through a new Office of Inspector General (OIG), a strengthened Office of Police
18 Accountability (OPA), and a permanent Community Police Commission (CPC).³¹

19 5.26 The Accountability Ordinance would have altered the disciplinary appeals process by
20 replacing the existing, officer-biased system with one that heavily deferred to the police
21

22 ²⁹ *Id.*

23 ³⁰ <https://www.aclu-wa.org/pages/timeline-seattle-police-accountability> (accessed August 20, 2020).

24 ³¹ *Id.* See also <https://seattle.legistar.com/LegislationDetail.aspx?ID=3041612&GUID=189886AB-6C46-438A-AB56-DA45AE4FCD7B&Options=&Search=&FullText=1>

1 chief's disciplinary decision, confining its appeal review to "whether the employee's
2 removal... was made in good faith for cause."³²

3 5.27 A couple months later, the City Council also unanimously adopted Seattle Municipal Code
4 14.11 regarding Bias-Free Policing. The code forbids selective enforcement or non-
5 enforcement, "the effect of which is to adversely affect or differentiate between or among
6 individuals or groups of individuals... because of race... or political ideology." This Code
7 strengthened a policy that had been in place since 2015, meant to encourage police officers
8 to speak out against and report incidents of biased-based policing. The policies place
9 responsibility and accountability not only on officers who engage in discriminatory
10 policing but also on supervisors, commanders, and civilian managers.³³

11 5.28 In 2018, six years after the Consent Decree was entered into, United States District Judge
12 James L. Robart found that the City had achieved full and effective compliance. The City
13 then entered a two-year sustainment period. Judge Robart stated: "if collective bargaining
14 results in changes to the accountability ordinance that the court deems to be inconsistent
15 with the Consent Decree, then the City's progress in [the sustainment period] will be
16 imperiled."³⁴

17 5.29 Shortly after the Court's express warning, the City ratified a new contract with the Seattle
18 Police Officers Guild (SPOG). The contract rolled back the reforms established by
19 Accountability Ordinance No. 125315, and reverted back to the officer-biased appeals
20
21

22 ³² *Id.*

23 ³³ <http://seattlemedium.com/seattle-city-council-approves-bias-free-policing-law/> (July 19, 2017).

24 ³⁴ United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 439, Order Finding Initial Compliance With the
Consent Decree (January 10, 2018).

process.³⁵

5.30 Within days of the contract’s approval, it was revealed that the SPOG Disciplinary Review Board reversed the firing of an Officer who punched a handcuffed woman seated in the back of his patrol car hard enough to fracture the orbital rim of her right eye. Discipline was reduced to a 15-day suspension and he was reinstated with full back pay (less the suspension period).³⁶

Consent Decree - Ongoing Noncompliance

5.31 Concerned by these SPOG-related developments, in May 2019, Judge Robart determined the City had fallen out of compliance with the Consent Decree. He specifically criticized the SPOG CBA on the basis that it “(1) retains significant attributes of the old appeals system that the parties admit needs reform, and (2) abrogates critical reforms in the Accountability Ordinance that the parties put in place,” specifically reforms relating to use-of-force, the supervision of officers, and community confidence.³⁷

5.32 On May 7, 2020, shortly before the BLM/George Floyd protests began, the City sought termination of at least some of the Consent Decree sustainment plan provisions despite its continued lack of compliance with the Consent Decree. The City did not address the Court’s May 2019 finding that it had fallen out of compliance with the Consent Decree in the areas of discipline and accountability, or the Court’s order requiring the City to bring itself back into compliance in these areas. The City simply said it “has taken significant

³⁵ <https://www.aclu-wa.org/pages/timeline-seattle-police-accountability> (accessed August 20, 2020); <https://www.aclu-wa.org/news/community-groups-urge-seattle-city-council-reject-police-contract-step-backwards-community> (November 8, 2018).

³⁶ <https://www.king5.com/article/news/local/seattle-officer-who-punched-woman-in-handcuffs-should-be-reinstated-review-says/281-61630542> (November 20, 2018).

³⁷ <https://www.kuow.org/stories/j-judge-seattle-police-fall-out-compliance-with> (May 15, 2019); United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 562, Order Finding City of Seattle Partially Out of Compliance With the Consent Decree (May 21, 2019).

steps to address these concerns and will submit a filing responding to them by August 1, 2020.”³⁸

5.33 On June 3, 2020, after the OPA had received approximately 12,000 complaints concerning the SPD’s response to the first weekend of the BLM/George Floyd protests,³⁹ the City withdrew its May 7, 2020 Motion seeking termination of the sustainment provisions.⁴⁰

5.34 Given Seattle’s long history of mass protests, the SPD’s repeated failures in encountering them, including the mis-use of Crowd Control Weapons, and the warnings and recommendations of multiple watchdog and community organizations, the City and SPD knew or should have known long before the BLM/George Floyd protests of the need to address law enforcement protest issues through measures such as research, policies/protocols, instruction/training, and discipline/accountability.

Systemic Racism, Black Lives Matter, and the Importance of the Right to Protest

5.35 White supremacy is a lethal public health issue.

5.36 The United States Department of Homeland Security has classified white supremacists as the most “persistent and lethal threat” in the United States. The Department predicts an “elevated threat environment” at least through early 2021.⁴¹

5.37 America’s long history of white supremacy has led to systemic racism. Racial stratification, stereotypes, and biases are embedded in American institutions.

5.38 Among the most pernicious contributors to systemic racism is the justice system, and its frontline – American policing, which has long suffered from an epidemic of violence

³⁸ United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 612, City of Seattle’s Memorandum in Support of Parties’ Joint, Stipulated Motion to Terminate Consent Decree Sustainment Plan Provisions (May 7, 2020).

³⁹ http://www.seattle.gov/Documents/Departments/OPA/PressReleases/06-01-20_OPA-Press-Release-Following-Demonstrations.pdf (June 1, 2020).

⁴⁰ <https://news.seattle.gov/2020/06/03/city-attorney-to-withdraw-consent-decree-motion/> (June 3, 2020).

⁴¹ <https://www.cnn.com/2020/09/08/politics/white-supremacy-dhs-draft-assessment/index.html> (September 8, 2020).

1 against Black, Indigenous, and People of Color (BIPoCs).⁴²

2 5.39 The Black Lives Matter (BLM) movement has arisen in the past decade as a political and
3 social movement advocating for non-violent civil disobedience in protest against incidents
4 of police brutality and racially motivated violence against Black people.⁴³

5 5.40 Protests, particularly those on issues of civil rights, have played pivotal roles in our nation's
6 history, and are entitled to the fullest extent of First Amendment protections.

7 **The Spark – George Floyd**

8 5.41 On May 25, 2020, George Floyd was murdered in Minneapolis, Minnesota by the police.
9 Mr. Floyd, a Black man, was accused of a non-violent offense – attempting to use a
10 counterfeit \$20 bill. During his arrest, while he was lying on the ground, handcuffed and
11 restrained, a police officer placed his knee and the weight of his body on Mr. Floyd's neck.
12 Three other officers at the scene placed their bodies on top of Mr. Floyd and otherwise
13 participated. For nearly nine minutes, Mr. Floyd struggled to breathe and pleaded for
14 mercy, until he lost consciousness and died. Bystanders were warned away, threatened by
15 the police and not allowed to intervene. A 17-year old teenager captured the event on their
16 cell phone.

17 5.42 George Floyd's murder by police was undisputable due to the video evidence, eyewitness
18 reports, and forensic analysis. Throughout modern history, untold numbers of Black people
19 have been injured or killed by police across the country due to excessive force. But it was
20 George Floyd's horrendous murder that was the final spark that lit the fire causing a
21 nationwide mass protest movement.

22
23 ⁴² <https://www.vox.com/policy-and-politics/2020/7/7/21293259/police-racism-violence-ideology-george-floyd> (July
7, 2020).

24 ⁴³ https://en.wikipedia.org/wiki/Black_Lives_Matter (accessed September 9, 2020).

5.43 Seattle has been one of the epicenters of the BLM/George Floyd protests. This is in part due to increasing public awareness and condemnation of police shooting cases resulting in the killing of numerous local Black and minority people who either had called for help (as in the case of Charleena Lyles who was having a mental health episode), or who were shot to death on the pretext that they were threatening officers with deadly weapons that did not in fact exist (as in the case of Tommy Le who was holding a pen).

Proclamation of the Washington State Supreme Court

5.44 The Washington State Supreme Court is the highest court in the state. Its mission is to uphold the Constitution when called through cases, interpret laws passed by the legislature and enforced by the executive branches of government. It oversees the judicial branch which is responsible for the delivery of justice.⁴⁴

5.45 On June 4, 2020, the Washington State Supreme Court published a letter to the judiciary and members of the Bar, opening as follows:

We are compelled by recent events to join other state supreme courts around the nation in addressing our legal community.

The devaluation and degradation of black lives is not a recent event. It is a persistent and systemic injustice that predates this nation's founding. But recent events have brought to the forefront of our collective consciousness a painful fact that is, for too many of our citizens, common knowledge: the injustices faced by black Americans are not relics of the past. We continue to see racialized policing and the overrepresentation of black Americans in every stage of our criminal and juvenile justice systems. Our institutions remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.⁴⁵

5.46 The letter includes a call to action for all in the justice system:

Finally, as individuals, we must recognize that systemic racial injustice against black Americans is not an omnipresent specter that will inevitably

⁴⁴ http://www.courts.wa.gov/appellate_trial_courts/supremecourt/

⁴⁵ <http://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressdetail&newsid=35481> (June 4, 2020).

1 persist. It is the collective product of each of our individual actions—every
2 action, every day. It is only by carefully reflecting on our actions, taking
3 individual responsibility for them, and constantly striving for better that we
4 can address the shameful legacy we inherit. We call on every member of
5 our legal community to reflect on this moment and ask ourselves how we
6 may work together to eradicate racism.⁴⁶

7 **City and State Leadership Statements and Proclamations**

8 5.47 Since the protests began, the City and State leadership have repeatedly professed support
9 for the demonstrators and their cause.

10 5.48 **Governor Jay Inslee**

- 11 • “I fully support the right to free speech and peaceful assembly. I applaud every
12 Washingtonian standing for what they believe in....”⁴⁷
- 13 • “Everyone has the freedom - and the right - to demonstrate and speak their mind.”⁴⁸
- 14 • “If you choose to protest today, please be safe and peaceful. These are important issues
15 that deserve our full attention, without distraction from violence and destruction.
16 Without solutions to inequity, the long road to justice will run even longer.”⁴⁹
- 17 • “Thousands were protesting peacefully against an atrocious act of brutality. This cause
18 confronts a different kind of destruction, one that can’t be fixed with new windows,
19 graffiti-scrubbed walls or insurance. The message behind the demonstration was
20 compelling and one all of us should share. We will not allow vandalism and destruction
21 to obscure the protest's central call for justice.”⁵⁰
- 22 • “On behalf of all Washingtonians who believe in justice, I want to thank the protesters
23 who carried a peaceful and important message.”⁵¹

24 5.49 **Mayor Jenny Durkan**

- “This is an opportunity for community to righteously express anger at the systemic
inequities that continue to pollute our society. I support our residents right to assemble
and I am glad they are doing so. I am hopeful that through this time of grief and anger,
we will be able to channel this energy into sustained, systemic reform across our

⁴⁶ *Id.*

⁴⁷ <https://www.governor.wa.gov/news-media/inslee-statement-saturday-protests> (May 30, 2020)

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ <https://www.governor.wa.gov/news-media/inslee-statement-protests-and-activation-additional-national-guard-personnel> (May 31, 2020)

⁵¹ *Id.*

country.”⁵²

- “I am grateful for all those who peacefully marched and protested in Othello, and throughout our City, today and every day. By the thousands, we have seen people march in almost every part of town. This has been an incredibly painful week for our City and our country. One that is shining the light yet again on hundreds of years of racism and injustice that has haunted our past and continues to our present. It is a moment that summons all of us – including me – to do more and to do better. Pain and anguish have brought out thousands of our neighbors to protest and demand action. They must be heard. We must act. And we are.”⁵³
- “Here in Seattle, people are protesting a culture of systemic racism and police actions that exists right in our backyard. There have been black and brown people killed by police here in Seattle. John T. Williams, Che Taylor, Charleena Lyles and so many more. Their lives have been cut short because of an interaction with the police that serve us. Those killings remind us of the profound injustice of how they were failed by the city and the system. In Seattle we have to do so much more. And our communities are also protesting the City’s management of the demonstrations. They’re protesting a culture that can use force before de-escalation, and they’re protesting a government and a culture that perpetuates systemic inequities that impact people of color, particularly Black Americans. People are rightfully protesting how we can be better as a City and make real changes.”⁵⁴

5.50 Then-Seattle Police Chief Carmen Best

- “Our policies and training are built around maximizing the exercise of free speech without officer intervention. The Seattle Police Department will continue to support the peaceful exercise of First Amendment rights.”⁵⁵
- “The Seattle Police Department was prepared to facilitate the peaceful exercise of First Amendment rights. In the aftermath of the murder of George Floyd we all are rightfully angry, sad, frustrated, and heartbroken.”⁵⁶

5.51 Despite the statements of elected officials and other city leaders, the City and SPD re-enacted their prior haphazard and improper responses during the BLM/George Floyd

⁵² <https://durkan.seattle.gov/2020/06/mayor-jenny-durkan-and-city-attorney-pete-homes-issue-statements-on-president-trumps-illegal-threat-to-deploy-military-forces-in-u-s-cities-and-states/> (June 1, 2020)

⁵³ <https://durkan.seattle.gov/2020/06/transcript-mayor-durkans-remarks-at-sunday-june-7-press-conference/> (June 7, 2020)

⁵⁴ *Id.*

⁵⁵ <https://spdblotter.seattle.gov/2020/05/30/official-statement-on-use-of-force-during-friday-night-protests/> (May 30, 2020)

⁵⁶ <https://spdblotter.seattle.gov/2020/05/31/chiefs-statement-on-may-30th-protests-downtown/> (May 31, 2020)

1 protests – demonstrating yet again that the SPD’s use of force violates the Washington
2 Constitution and tort law.

3 5.52 The City and SPD deployed a disproportionate number of officers, often in full “riot
4 gear,”⁵⁷ in an intimidating and instigating manner, escalating rather than de-escalating
5 conflict.

6 5.53 The City and SPD have improperly kettled, corralled, and dispersed peaceful protesters
7 without cause or adherence to protocol, frustrating and infringing upon the protester’s
8 constitutional rights to speech and assembly.

9 5.54 The City and SPD have indiscriminately used “less-lethal” force such as “riot” grade OC
10 spray, blast balls, flash-bang grenades, tear gas, shot kinetic impact projectiles, and other
11 physical violence, in excessive, out of policy, and harmful ways.

12 5.55 The City and SPD have targeted not just protesters, but also legal observers, journalists,
13 medical personnel attempting to render aid to the injured, and in some cases, those who are
14 of advanced age, disabled, and young children.

15 5.56 The City and SPD have created pretexts to justify the use of force. They have invoked
16 Covid-19 restrictions to impose unwarranted curfews so that at any random hour SPD could
17 feel justified in implementing excessive force to disperse the protesters. Not surprisingly,
18 the force employed put protesters at increased risk of Covid-19 infection by causing them
19 to cry, cough, vomit, rub their faces, remove tear gas and pepper spray-soaked masks, and
20 by exposing their airways to chemical and respiratory irritants.

22 ⁵⁷ As recognized by the International Association of Chiefs of Police in their April 2019 “Crowd Management
23 Concepts and Issues” paper, “Full civil disturbance gear and related equipment should be staged at key locations—
24 but should not be issued initially in crowd management situations, as it may escalate tensions and anxiety.”
https://www.theiacp.org/sites/default/files/2019-04/Crowd%20Management%20Paper%20-%202019_1.pdf (April
2019).

1 5.57 The City and SPD have spread other misinformation and disinformation about the protests,
2 painting the protests and protesters in a negative light in order to justify the unconstitutional
3 and improper tactics.⁵⁸

4 5.58 The City and SPD's response to BLM/George Floyd protests appear to be more negative
5 and violent than before – seemingly because the protesters' messages speak out in favor of
6 the BLM movement, and against police brutality.

7 **SPD Use of Force Policies**

8 5.59 The SPD's disparately negative response is evidenced in part by its failure to follow the
9 Department's own policies.

10 5.60 SPD Manual, Section 8.200 regarding Using Force, provides:

11 **1. Use of Force: When Authorized**

12 An officer shall use only the force objectively reasonable, necessary, and
13 proportional to effectively bring an incident or person under control, while
protecting the life and safety of all persons.

14 In other words, officers shall only use objectively reasonable force,
15 proportional to the threat or urgency of the situation, when necessary, to
16 achieve a law-enforcement objective. The force used must comply with
federal and state law and Seattle Police Department policies, and rules for
specific weapons and tools. See 8.300 – Use of Force Tools. Once it is safe
to do so and the threat has ended, the force must stop.

17

18 **2. Use of Force: When Prohibited**

19 - An officer will not use force to punish or retaliate

20 - An officer will not use force against individuals who only verbally
21 confront them unless the vocalization impedes a legitimate law enforcement
function (See 5.160 – Observation of Officers).

22

23 ⁵⁸ See <https://mynorthwest.com/1937349/opinion-debunking-myths-capitol-hill-autonomous-zone/> (June 12, 2020).

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5.61 SPD Manual, Section 8.100 regarding De-Escalation, states:

The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved.

Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.

With time, the situation can be slowed down or even stabilized. Further action may not be necessary or additional resources can be called to assist or reduce the necessity of force.

5.64 With distance, the individual is kept further from the officer and others, lessening potential safety threats, reducing the need for higher levels of force, and ideally creating more time for thoughtful action.

5.65 Shielding allows officers interacting with an armed individual to have a physical barrier or keep distance so the officer can create space and time to try to resolve the problem peacefully.

5.66 De-escalation tactics, properly employed, are methods by which confrontations can be handled safely and without resorting to violence or weapons.

Chemical Agents

5.67 According to the American Lung Association, tear gas is comprised of chloroacetophenone (CN) a toxic air pollutant, chloropicrin (PS), chlorobenzylidenemalononitrile (CS), bromobenzylcyanide (CA) and dibenzoxazepine (CR). Tear gas causes both short- and long-term health conditions, including permanent disability and death. The ALA explains:

In general, exposure to tear gas can cause chest tightness, coughing, a choking sensation, wheezing and shortness of breath, in addition to a burning sensation in the eyes, mouth and nose; blurred vision and difficulty swallowing. Tear gas can also cause chemical burns, allergic reactions and respiratory distress. People with preexisting respiratory conditions, such as asthma and chronic obstructive pulmonary disease (COPD), have a higher risk of developing severe symptoms of their disease that could lead to respiratory failure.⁵⁹

5.68 The U.S. Center for Disease Control and Prevention explains that long-lasting exposure or exposure to a large dose of riot control agent, especially in a closed setting, may cause severe effects such as the following:

- Blindness.
- Glaucoma (a serious eye condition that can lead to blindness).
- Immediate death due to severe chemical burns to the throat and lungs.
- Respiratory failure possibly resulting in death.⁶⁰

⁵⁹ <https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/toxic-air-pollutants/tear-gas> (accessed September 9, 2020).

⁶⁰ <https://emergency.cdc.gov/agent/riotcontrol/factsheet.asp> (accessed September 9, 2020).

5.69 In the midst of the Covid-19 global pandemic the SPD indiscriminately deployed toxic chemicals that caused protesters to cry, cough, wheeze, and vomit in a crowded environment. This posed a particularly deadly risk for any persons unknowingly carrying Covid-19.⁶¹

5.70 Tear gas and other chemical irritants are banned for use in combat by international convention and use of them is considered a war crime.⁶²

5.71 Tear gas is not identified as an acceptable use of force tool in SPD's Police Manual, Section 8.300, or in Chapter 14.090 – Crowd Management.

5.72 According to reviews by the Seattle OIG, only SWAT is authorized and trained in deploying tear gas. Also, "[t]he training and certification required of SWAT officers is extensive and not comparable to that required of patrol. Use of less lethal weapons by SWAT in their ordinary operations provides options, other than lethal force, to address incidents like barricaded individuals and hostage situations."⁶³

5.73 SPD Manual, Section 8.300 regarding OC Spray (pepper spray), requires:

- It may only be used when such force is objectively reasonable, necessary, and proportional to the threat or resistance of a subject.
- Officers must warn the subject and allow the subject to comply, prior to use.
- Officers must justify each separate application of OC Spray.
- Officers must direct OC Spray only at subjects posing a threat.

5.74 SPD Manual, Section 14.090 regarding crowd management states:

- Officers may only make individual decisions to deploy OC spray when its use is

⁶¹ <https://www.newsweek.com/tear-gas-coronavirus-covid-19-human-rights-protests-1509881> (June 10, 2020); <https://drive.google.com/file/d/1Jyfn4Wd2i6bRi12ePghMHtX3ys1b7K1A/view> (accessed September 21, 2020).

⁶² https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_cha_chapter24_rule75 (accessed September 21, 2020).

⁶³ <https://www.seattle.gov/Documents/Departments/OIG/Other/LessLethalWeaponsUsage06122020.pdf> (June 12, 2020).

consistent with Title 8 – Use-of-Force.

- Only the Incident Commander has the authority to direct the use of OC Spray to disperse a crowd, after a determination that there are acts or conduct within a group of four or more persons that create a substantial risk of causing injury to any person or substantial harm to property.
 - Before ordering that the crowd be dispersed, the Incident Commander must consider whether less restrictive means of crowd management are available.
 - Upon determining that dispersal is appropriate, the Incident Commander shall ensure that there is an avenue of egress sufficient to allow the crowd to depart.
 - The Incident Commander or designee must issue the order to disperse prior to instructing officers to disperse the crowd, if feasible.
- A lieutenant may authorize the use of OC spray to disperse a crowd, but only if an immediate life safety emergency exists that requires this action be taken and there is insufficient time to obtain incident command approval.

“Less Lethal” Munitions

5.75 Rubber bullets, plastic bullets, baton rounds, bean bag rounds, and shot pellets, are kinetic impact projectiles used as an alternative to normal ammunition. While they are less lethal than normal bullets, they are hardly safe.

5.76 SPD Manual, Section 8.300, allows use of 40 mm “Less Lethal” Launchers (a.k.a. “Blue Nose” Launchers) only when a subject poses an immediate threat of harm to a person, or “when public safety interests dictate that a subject needs to be taken into custody and the level of resistance... is likely to cause injury to the officer,” or if “other force options would be likely to cause greater injury than the 40 mm Less Lethal Impact Munition.” Officers must also consider the risk of the 40 mm round causing serious harm when determining whether to deploy the weapon.

5.77 According to reviews by the Seattle OIG, only SWAT is authorized to use the 40 mm “Less

Lethal” Launchers in crowd management situations.⁶⁴

5.78 Noise Flash Diversionary Devices (NFDDs or “flash bangs”) and blast balls are different forms of less lethal weapons, designed to create diversionary light and sound. Per SPD policy, only SWAT is authorized to use flash bangs, whereas officers are permitted to use blast balls.⁶⁵

5.79 However, as the SPD well knows, blast balls can be just as dangerous as flash bangs.

5.80 The SPD is fully aware of the risks of less lethal weapons, having used them in the past, and having been warned of their risks and potential lethality by multiple sources, including the CPC, the OPA, their own expert Mr. Ijames, and their training videos from at least as far back as 2015.

5.81 The main difference between a blast ball and a flash bang is shape. A blast ball is round and made of rubber, while a flash bang is metal and cylindrical.⁶⁶

5.82 SPD Manual, Section 8.300 regarding blast balls, states:

- Officers may use blast balls only when such forces is objectively reasonable, necessary, and proportional to the threat or resistance of a subject.
- When feasible, officers shall avoid deploying blast balls in the proximity of people who are not posing a risk to public safety or property.
- When feasible, officers will not deploy blast balls until a dispersal order has been issued to the crowd, the crowd has been given a reasonable amount of time to comply, and a supervisor has authorized the deployment. The only exception to this is that officers may reasonably deploy blast balls to address an imminent risk of harm to a person or significant property damage.
- Officers must justify each separate blast ball deployment. After the initial blast ball deployment, each subsequent deployment must be reasonable and the officer should

⁶⁴ <https://www.seattle.gov/Documents/Departments/OIG/Other/LessLethalWeaponsUsage06122020.pdf> (June 12, 2020).

⁶⁵ <https://www.seattle.gov/Documents/Departments/OIG/Other/LessLethalWeaponsUsage06122020.pdf> (June 12, 2020).

⁶⁶ United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 637-1, Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons (August 14, 2020).

reevaluate the situation accordingly.

5.83 SPD Manual, Section 14.090 regarding crowd management states:

- Officers may only make individual decisions to deploy blast balls when its use is consistent with Title 8 – Use-of-Force.
- Only the Incident Commander has the authority to direct the use of blast balls to disperse a crowd, after a determination that there are acts or conduct within a group of four or more persons that create a substantial risk of causing injury to any person or substantial harm to property.
 - Before ordering that the crowd be dispersed, the Incident Commander must consider whether less restrictive means of crowd management are available.
 - Upon determining that dispersal is appropriate, the Incident Commander shall ensure that there is an avenue of egress sufficient to allow the crowd to depart.
 - The Incident Commander or designee must issue the order to disperse prior to instructing officers to disperse the crowd, if feasible.
- A lieutenant may authorize the use of blast balls to disperse a crowd, but only if an immediate life safety emergency exists that requires this action be taken and there is insufficient time to obtain incident command approval.

5.84 In response to the BLM/George Floyd Protests, the SPD discarded its lessons from the previous twenty years, its own policies and practices, the mandates of the federal Consent Decree, and the federal and State constitutions.

Police Response to BLM/George Floyd Protests

5.85 On May 30, 2020, the second day of the protests, Mayor Durkan spontaneously announced a 5:00 pm curfew – tweeting at 4:46 pm that she would “soon be signing an emergency order.”⁶⁷ Shortly after 5 pm, despite lack of reasonable notice of the curfew to the protesters, under the pretext of enforcing the “curfew,” the SPD forcibly dispersed large groups of people in downtown Seattle using “less lethal” Crowd Control Weapons.

⁶⁷ <https://twitter.com/mayorjenny/status/1266878611669151744?lang=en> (May 30, 2020).



5.86 On May 31, 2020, the third day of the protests, then-Chief Best authorized the use of tear gas by patrol officers who were neither trained nor authorized to use tear gas by standard SPD policy.⁶⁸

5.87 Chief Best also authorized the use of 40 mm launchers by patrol officers who were normally not authorized to use the launchers during crowd management events.⁶⁹

5.88 The SPD justified these exemptions due to “equipment shortages” of blast balls and OC spray.

5.89 The SPD used so much OC spray and so many blast balls in the first days of the protests, they began to run out. This is why they chose to use tear gas – an indiscriminate weapon outlawed in warfare and condemned by groups like Amnesty International.⁷⁰

5.90 Chief Best’s authorization required that these exemptions be applied “consistent with” Title 8 of the SPD Policy Manual governing use of force.⁷¹

⁶⁸ <https://www.documentcloud.org/documents/6938577-4860-001.html#document/p1> (May 31, 2020).

⁶⁹ *Id.*

⁷⁰ See <https://teargas.amnesty.org/#top> (accessed September 21, 2020); <https://www.hrw.org/news/2020/06/29/us-commits-same-abuses-it-condemns-abroad> (June 29, 2020); <https://www.law.utoronto.ca/news/new-ihrp-report-problematic-legality-tear-gas-under-international-human-rights-law> (September 3, 2020).

⁷¹ <https://www.documentcloud.org/documents/6938577-4860-001.html#document/p1> (May 31, 2020).

1 5.91 The SPD has no policies or training on how officers should use tear gas for crowd control.
2 Instead, officers were instructed to use tear gas the same way they would use OC spray⁷²
3 – even though the weapons are a completely different both chemically and tactically.

4 5.92 On June 5, 2020, in a rare joint recommendation, the CPC, OIG, and OPA recommended
5 the SPD immediately stop using tear gas in response to First Amendment activity.⁷³

6 5.93 Also on June 5, 2020, Mariko Lockhart, Director for the Seattle Office of Civil Rights
7 (OCR),⁷⁴ wrote an open letter stating that she had “heard from other City leadership and
8 employees that they fear for their personal safety, not because of other protesters but
9 because of the police.” Director Lockhart demanded the City immediately “[c]ease the use
10 of flash grenades, rubber bullets, and tear gas against community protesters.”⁷⁵

11 5.94 That afternoon, Mayor Durkan and Chief Best jointly announced that for 30 days the SPD
12 would stop using tear gas against protesters. Chief Best rescinded her May 31, 2020
13 exemption order.⁷⁶ This declaration did not extend to OC spray, blast balls, or other crowd
14 control tactics.

15 5.95 On June 7, 2020, over two dozen community leaders signed an open letter condemning
16 “the police tactics used in daily protests,” emphasizing their concern that “the response of
17 the Seattle Police Department (SPD) is escalating the conflict in the streets of Seattle,
18 particularly in Capitol Hill and in communities of color, with their inappropriate use of
19

20 ⁷² *Id.*

21 ⁷³ <https://seattlecpc.files.wordpress.com/2020/06/accountability-mass-demonstration-memorandum-060520.pdf>
(June 5, 2020).

22 ⁷⁴ Seattle Office for Civil Rights (OCR) leads the Race and Social Justice Initiative, a citywide effort to end
institutional racism in City government and to achieve racial equity across the community. See
<http://www.seattle.gov/civilrights/about>.

23 ⁷⁵ <https://www.documentcloud.org/documents/6938155-Lockhart-Letter.html> (June 5, 2020).

24 ⁷⁶ <https://www.q13fox.com/news/seattle-announces-30-day-ban-on-use-of-cs-tear-gas-during-protests> (June 5,
2020); [https://www.documentcloud.org/documents/6938576-Policy-8-300-POL-5-and-POL-1113-Exemptions.
html#document/p1](https://www.documentcloud.org/documents/6938576-Policy-8-300-POL-5-and-POL-1113-Exemptions.html#document/p1) (June 5, 2020).

1 force.”⁷⁷

2 5.96 That same day, at a press conference on June 7, 2020, Mayor Durkan apologized to the
3 peaceful demonstrators for how protests had been handled:

4 “I know that safety was shattered for many by images, sounds and gas more
5 fitting of a war zone: I am sorry. To all those who came peacefully and had
6 their constitutional right to protest impacted: I am sorry. To those who have
7 felt their voices and message drowned out by the small fraction of
8 individuals seemingly intent on inciting violence between police and
9 peaceful demonstrators: I am sorry.”⁷⁸

10 5.97 That same night, the City and SPD violated their own moratorium. They blanketed
11 protesters near 11th Avenue and Pine Street with tear gas, and copiously deployed blast
12 balls and OC spray.⁷⁹



21 ⁷⁷ [https://www.thestranger.com/slog/2020/06/07/43862996/seattle-electeds-to-mayor-durkan-and-chief-best-direct-](https://www.thestranger.com/slog/2020/06/07/43862996/seattle-electeds-to-mayor-durkan-and-chief-best-direct-spd-to-change-their-tactics-immediately)
22 [spd-to-change-their-tactics-immediately](https://www.thestranger.com/slog/2020/06/07/43862996/seattle-electeds-to-mayor-durkan-and-chief-best-direct-spd-to-change-their-tactics-immediately) (June 7, 2020).

23 ⁷⁸ <https://durkan.seattle.gov/2020/06/transcript-mayor-durkans-remarks-at-sunday-june-7-press-conference/> (June 7,
2020)

24 ⁷⁹ [https://www.thestranger.com/slog/2020/06/08/43864805/cops-deploy-blast-balls-and-chemical-agents-in-longest-](https://www.thestranger.com/slog/2020/06/08/43864805/cops-deploy-blast-balls-and-chemical-agents-in-longest-confrontation-yet-on-capitol-hill)
[confrontation-yet-on-capitol-hill](https://www.thestranger.com/slog/2020/06/08/43864805/cops-deploy-blast-balls-and-chemical-agents-in-longest-confrontation-yet-on-capitol-hill) (June 8, 2020).

1 5.98 The SPD again, as in years past regarding other protests, spread misinformation and
2 disinformation regarding the BLM/George Floyd protests.

3 5.99 In one tweet, the SPD described broken candles as “improvised explosives.”⁸⁰

4 5.100 After multiple nights of clashes between the police and protesters near the East Precinct in
5 Capitol Hill, on June 8, 2020, the SPD abandoned that location and the surrounding area,
6 leading to the short-lived establishment of “CHAZ” (Capitol Hill Autonomous Zone), later
7 renamed “CHOP” (Capitol Hill Occupied/Organized Protest).

8 5.101 CHAZ/CHOP was a small area of Seattle’s Capitol Hill neighborhood spanning
9 approximately six city blocks, that grew organically after the SPD boarded up and
10 abandoned the East Precinct. It became the site of food and first aid tents, memorials to
11 Black people killed by police, spirited public discussions, BLM art projects, films about
12 race discrimination, and music.⁸¹



23 ⁸⁰ <https://popculture.com/trending/news/seattle-police-claim-improvised-explosives-thrown-broken-candle-photo/>
(June 7, 2020).

24 ⁸¹ <https://mynorthwest.com/1937349/opinion-debunking-myths-capitol-hill-autonomous-zone/> (June 12, 2020).

1 5.102 Within days, the SPD repeated false and misleading rumors painting CHAZ/CHOP in a
2 bad light, including that there were reports of “armed protesters checking IDs and extorting
3 local businesses.”⁸²

4 5.103 On June 12, 2020, United States District Court Judge Richard A. Jones acknowledged the
5 excessiveness of SPD’s tactics and granted a Temporary Restraining Order enjoining the
6 SPD for 14 days from “employing chemical irritants or projectiles of any kind against
7 persons peacefully engaging in protests or demonstrations.”⁸³

8 5.104 Judge Jones wrote:

- 9 • “People have a right to demonstrate and protest government officials, police
10 officers being no exception. Their right to do so, without fear of government
retaliation, is guaranteed by the First and Fourth Amendments.”
- 11 • “Since ‘time immemorial,’ city streets and sidewalks have been deemed public fora,
12 and as such any First Amendment restrictions placed on them are subject to a
particularly high degree of scrutiny.”
- 13 • “Plaintiffs show that they were engaged in the constitutional right to protest police
14 brutality. They exercised their right on public fora.”
- 15 • “On this record, their protests have been passionate but peaceful, and they must
16 thus be protected even if they stand in opposition to the police. The video and
testimonial evidence reveal as much.”
- 17 • As to the threats posed by non-peaceful protesters, “the proper response to potential
18 and actual violence is for the government to ensure an adequate police presence,
and to arrest those who actually engage in such conduct, rather than to suppress
legitimate First Amendment conduct as a prophylactic measure.”
- 19 • Rather, “[t]he use of indiscriminate weapons against all protesters—not just the
20 violent ones—supports the inference that SPD’s actions were substantially
motivated by Plaintiffs’ protected First Amendment activity.”
- 21 • “SPD’s actions would chill a person of ordinary firmness from continuing to
22 protest... SPD’s use of less-lethal, crowd control weapons have surely chilled
speech... The same is true for the projectiles that SPD fires into crowds, which can

23 ⁸² *Id.*

24 ⁸³ Black Lives Matter Seattle-King County v. City of Seattle, 2:20-cv-00887-RAJ, Doc. 34, Order Granting in Part
Motion for Temporary Restraining Order (June 12, 2020).

1 cause intense pain and bruising.”

- 2 • “Both testimonial and video evidence establish that SPD likely violated Plaintiffs’
3 Fourth Amendment rights...” “The Ninth Circuit has held that it is unreasonable
4 to use pepper spray, projectile bean bags, and pepper ball projectiles against
individuals ‘who were suspected of only minor criminal activity, offered only
passive resistance, and posed little to no threat of harm to others.’”⁸⁴

5 5.105 Three days later, on June 15, 2020, Seattle’s City Council unanimously passed Ordinance
6 No. 126102, banning police from using crowd control weapons, including kinetic impact
7 projectiles and chemical irritants. This Ordinance also placed restrictions on the use of OC
8 spray – that it cannot be used in the setting of a demonstration, rally, or other First
9 Amendment-protected event, and must not land on anyone other than an individual in the
10 process of committing a criminal act or presenting an imminent danger.⁸⁵

11 5.106 On June 17, 2020, in the federal case before Judge Jones, the City of Seattle entered into a
12 stipulated Preliminary Injunction extending the effects of the Temporary Restraining Order
13 though September 30, 2020. In the injunction, the City agreed to stop indiscriminate use
14 of chemical irritants and projectiles, and promised to only target force at persons at risk of
15 “specific imminent threat of physical harm to themselves or identifiable others or to
16 respond to specific acts of violence or destruction of property.”⁸⁶

17 5.107 Despite these orders and the City’s promises, the SPD has still had multiple instances of
18 using pepper spray, kinetic projectile rounds, and even blast balls – such as when they
19 forcibly cleared out CHAZ/CHOP in the early morning of July 1, 2020 and in the process
20 made dozens of arrests, some by kneeling on the necks of the protesters.⁸⁷

21 ⁸⁴ *Id.*

22 ⁸⁵ <https://seattle.legistar.com/LegislationDetail.aspx?ID=4564636&GUID=90EDF5B4-7607-43BB-A99C-514C0B51CB56> (June 15, 2020).

23 ⁸⁶ Black Lives Matter Seattle-King County v. City of Seattle, 2:20-cv-00887-RAJ, Doc. 42, Stipulated Order
Entering a Preliminary Injunction (June 17, 2020).

24 ⁸⁷ <https://nypost.com/2020/07/03/seattle-cops-caught-kneeling-on-necks-of-chop-protesters/> (July 3, 2020).

1 5.108 The City initially expressed its support for maintaining the Zone – Mayor Durkan called it
2 a “gathering place where community members can demand change of their local, state, and
3 federal government,” and worked with members of the CHOP community to maintain this
4 space. For about three weeks, the City encouraged CHOP, and promised not to use police
5 to clear the zone.⁸⁸ That is until the early morning of July 1, 2020, when, Mayor Durkan
6 issued an emergency order to clear the Zone.

7 5.109 The SPD gave the protesters eight minutes to completely clear out before the police
8 advanced, violently cleared anyone who did not have sufficient time to gather their things
9 (arresting some) and destroyed their property.⁸⁹

10 5.110 On July 24, 2020, Judge Robart granted a Temporary Restraining order enjoining the City
11 Council’s Crowd Control Weapons Ban (Ordinance No. 126102) until it could be evaluated
12 and implemented in a manner consistent with the Consent Decree.⁹⁰

13 5.111 The weekend of July 25th and 26th – on the heels of this Order, and seemingly emboldened
14 by the continued permitted use of crowd control weapons – the SPD engaged in an “all-out
15 assault” on civilians. Protesters were indiscriminately hit with blast balls, pepper spray,
16 and blunt force objects. Journalists and chroniclers were targeted. Medics were maced for
17 attending to patients. Legal observers were struck at close range. In response, a Motion was
18 filed asking Judge Jones to hold the City in contempt of the preliminary injunction he had
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20 ⁸⁸ <https://durkan.seattle.gov/2020/06/city-of-seattle-responds-to-the-capitol-hill-organized-protest/> (June 16, 2020);
21 [https://www.seattletimes.com/seattle-news/seattle-police-will-return-to-east-precinct-where-chop-has-reigned-](https://www.seattletimes.com/seattle-news/seattle-police-will-return-to-east-precinct-where-chop-has-reigned-durkan-says/)
[durkan-says/](https://parkways.seattle.gov/2020/06/30/cal-anderson-park-temporarily-closed-starting-6-30-at-12pm/) (June 22, 2020); [https://parkways.seattle.gov/2020/06/30/cal-anderson-park-temporarily-closed-](https://parkways.seattle.gov/2020/06/30/cal-anderson-park-temporarily-closed-starting-6-30-at-12pm/)
22 [starting-6-30-at-12pm/](https://parkways.seattle.gov/2020/06/30/cal-anderson-park-temporarily-closed-starting-6-30-at-12pm/) (June 30, 2020).

23 ⁸⁹ [https://spdblotter.seattle.gov/wp-content/uploads/2020/07/Executive-Order-2020-08_Directive-City-Depts_Cal-](https://spdblotter.seattle.gov/wp-content/uploads/2020/07/Executive-Order-2020-08_Directive-City-Depts_Cal-Anderson-Park-Area.pdf)
[Anderson-Park-Area.pdf](https://spdblotter.seattle.gov/2020/07/01/mayor-durkan-issues-emergency-order-regarding-capitol-hill-protest-zone/) (June 30, 2020); [https://spdblotter.seattle.gov/2020/07/01/mayor-durkan-issues-](https://spdblotter.seattle.gov/2020/07/01/mayor-durkan-issues-emergency-order-regarding-capitol-hill-protest-zone/)
24 [emergency-order-regarding-capitol-hill-protest-zone/](https://spdblotter.seattle.gov/2020/07/01/mayor-durkan-issues-emergency-order-regarding-capitol-hill-protest-zone/) (July 1, 2020); [https://komonews.com/news/local/seattle-](https://komonews.com/news/local/seattle-police-clearing-chop-area-after-durkan-issues-executive-order)
[police-clearing-chop-area-after-durkan-issues-executive-order](https://komonews.com/news/local/seattle-police-clearing-chop-area-after-durkan-issues-executive-order) (July 1, 2020)..

⁹⁰ United States v. City of Seattle, 2:12-cv-01282-JLR, Docs. 625-630; [https://sccinsight.com/2020/07/24/doj-asks-](https://sccinsight.com/2020/07/24/doj-asks-judge-robart-to-stop-implementation-of-councils-ban-on-crowd-control-weapons/)
[judge-robart-to-stop-implementation-of-councils-ban-on-crowd-control-weapons/](https://sccinsight.com/2020/07/24/doj-asks-judge-robart-to-stop-implementation-of-councils-ban-on-crowd-control-weapons/) (July 24, 2020).

issued barely one month before.⁹¹

5.112 On August 10, 2020, and based on the stipulation of the City of Seattle, Judge Jones added protections to the Preliminary Injunction, including prohibitions against:

- Using chemical irritants or projectiles of any kind to re-route a protest, unless such re-routing is necessary to prevent specific imminent threat of physical harm to themselves or identifiable others, or to respond to specific acts of violence or destruction of property.
- Using chemical irritants or projectiles of any kind without, when feasible, first issuing a warning that is reasonably calculated to alert attendees in the area where the weapons are to be deployed and allowing them reasonable time, space, and opportunity under the circumstances to leave the area.
- Targeting with chemical irritants or projectiles any individual displaying clear indicia as a Journalist or Legal Observer, at such times as the individual is acting lawfully and in a capacity such that the City knows or reasonably should know of their status.⁹²

5.113 The City agreed to these proposals because they are consistent with the reasonable and constitutional—and therefore lawful—exercise of force. These standards applied long before the incidents described in this Complaint.

Different Treatment for Different Protests

5.114 The Women’s March in January 2017 drew well over 100,000 people into the streets all over Seattle. The City did not respond with riot gear, weaponry, violence, or strident demands for unconstitutional “compliance” at the expense of lawful free speech.

⁹¹ Black Lives Matter Seattle-King County v. City of Seattle, 2:20-cv-00887-RAJ, Doc. 51, Motion for Order to Show Cause Why City of Seattle Should Not Be Held in Contempt for Violating the Preliminary Injunction (July 27, 2020).

⁹² Black Lives Matter Seattle-King County v. City of Seattle, 2:20-cv-00887-RAJ, Doc. 110, Order Granting Stipulated Clarification of Preliminary Injunction (August 10, 2020).



5.115 On January 28, 2017, spontaneous protests filled SeaTac International Airport in response to an executive order which abruptly halted immigration and all travel to the United States from a list of Muslim-majority countries. SPD on scene to back up Port police did no more

1 than form bicycle lines. No arrests were made. Chemical agents, munitions, batons, or
2 violence of any kind were not employed by the police. The protests were heated, but the
3 police non-intervention response did not escalate the protests.⁹³

4 5.116 On the second day of mass protests against the travel ban, thousands of people gathered at
5 Westlake Park, spilling into surrounding streets.⁹⁴ Again, police presence was minimal.
6 SPD officers appeared in their usual uniforms and did not use riot gear. The crowd chanted
7 and listened to speakers. There were no arrests, no police show of force, and no police
8 violence.



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19 5.117 The Women's March was repeated in 2018 and again in 2019, again drawing thousands of
20 people into the streets, without police intervention and without police violence.

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23 ⁹³ See <https://spdblotter.seattle.gov/2017/01/29/port-of-seattle-requests-mutual-aid-from-local-police-agencies-at-seatac/> (January 29, 2017).

24 ⁹⁴ <https://www.seattleweekly.com/news/we-will-fight-thousands-gather-in-westlake-to-protest-immigration-ban/> (January 30, 2017).

2018

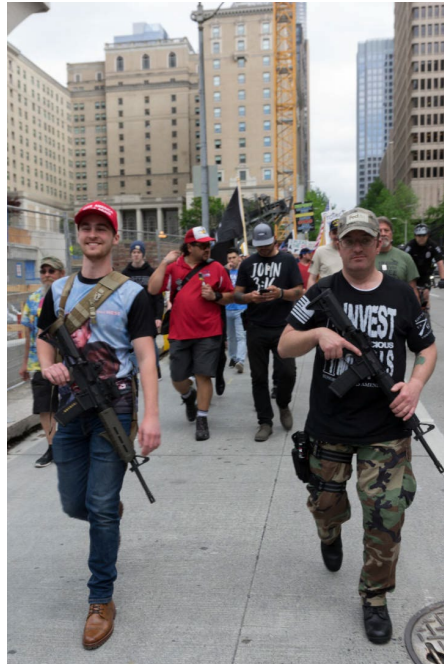


2019



5.118 In May 2018, a group of protesters gathered for an open-carry rally in Seattle, many

1 carrying firearms as they marched. The police did not respond with violence.⁹⁵



11
12 5.119 Later in August 2018, another right-wing gun reform protest occurred in Seattle, and was
13 met with left-wing counter-protesters. The SPD's response was measured – keeping the
14 two sides separated and out of the streets, which remained open to traffic, and arresting
15 three people for misdemeanor assault.⁹⁶

16 5.120 These protests have one thing in common: they were not specific to the rights of Black
17 people and police brutality.

18 5.121 As to political speech against discriminatory and unlawful policing, the SPD responds with
19 discriminatory and unlawful policing.

20 5.122 The SPD's disparate response to BLM/George Floyd protests reflects the cynical and
21 prejudiced ethos of many of the officers, reflected in their elected leadership.

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23 ⁹⁵ See <https://komonews.com/news/local/crowd-gathers-for-open-carry-march-in-seattle> (May 20, 2018).

24 ⁹⁶ <https://www.nbcnews.com/news/us-news/protesters-face-seattle-over-gun-reform-initiative-n901966> (August 19, 2018).

Incitement by the Seattle Police Officers' Guild

5.123 The excessive and unreasonable force used by SPD officers against BIPoCs and those protesting for the rights of BIPoCs is also attributable to the Seattle Police Officers Guild (SPOG) – which instigates officers to treat protesters like enemy combatants, and then protects those officers from the disciplinary and accountability consequences of their misconduct.

5.124 SPOG membership and leadership – and in particular its President Mike Solan – have demonstrated an animosity towards BIPoCs, BLM protesters in general, and the BLM/George Floyd Seattle protesters in particular. Although SPOG/President Solan claims its members support “peaceful protests,”⁹⁷ their actions show otherwise, and that is nothing new. The actions of SPOG leadership reflect not just individual animus, but are a reflection of the membership at large – over 1,300 members, including all of the officers and sergeants of the SPD.⁹⁸

5.125 In 2015 – in the midst of federally mandated reforms occurring as part of the Consent Decree and numerous complaints being raised regarding the SPD’s handling of multiple mass demonstrations – SPOG’s internal newspaper *The Guardian* repeatedly published commentary such as:

- Longtime officer Virgil McDonald’s statement in his column called “The Culture Wars,” that: “Personally I think that genetically the black humans are genetically superior as they have survived unbelievable circumstances not only in this country but every country on this planet” [Note: Super-humanization of Black people is a well-recognized racist trope].
- Then-editor Tom McLaughlin’s dismissive comment about the Consent Decree: “I am

⁹⁷ <https://seattlepoliceofficers.org/spog-response-to-the-ongoing-protests-in-seattle/> (June 4, 2020);

<https://seattlepoliceofficers.org/seattle-police-officers-guild-open-letter-to-seattle/> (June 4, 2020).

⁹⁸ <https://seattlepoliceofficers.org/#> (accessed September 9, 2020).

just glad we have been ‘re-educated’ and are now doing things correctly.”

- McDonald’s statement in a later issue: “I hear the ‘Black Lives Matter’ propaganda every day on the news. If African Americans don’t matter to African Americans there wouldn’t be drive by shootings of African American children by African American criminals
- Then-President Ron Smith’s dismissal of Council Member Harrell and the CPC’s concerns about the handling of May Day 2015 protests, calling those concerns “utopian view” of demonstration management, and likening SPD to a band of troops under assault.⁹⁹

5.126 In 2016, Ron Smith resigned from his union position following a controversial Facebook post about the shooting of Dallas police officers by a lone gunman, in which Smith blamed the shooting on “hatred of law enforcement by a minority movement” – which many took as a thinly veiled reference to Black Lives Matter. Smith ended the post with the hashtag #WeShallOvercome – co-opting the famous civil rights anthem.¹⁰⁰

5.127 As noted above, in 2017 SPOG negotiated a police contract with the City that rolled back the stricter appeals reforms established by Accountability Ordinance No. 125315, re-established the prior officer-biased appeals process and ultimately led Judge Robart to rule in 2019 that the City had fallen out of full and effective compliance with the Consent Decree in discipline and accountability.

5.128 On the heels of that order, SPOG had its first contested Presidential election in years, pitting incumbent “soft-spoken moderate” Kevin Stuckey against “vocal hard-liner” Mike Solan.¹⁰¹

⁹⁹ <https://www.thestranger.com/blogs/slog/2015/09/23/22878435/seattle-police-unions-newspaper-continues-streak-of-anti-reform-rhetoric-and-racism> (September 23, 2015).

¹⁰⁰ <https://www.thestranger.com/slog/2016/07/12/24337587/seattle-police-guild-president-resigns#:~:text=In%20the%20wake%20of%20another,moving%20down%20the%20reform%20road.%22> (July 12, 2016).

¹⁰¹ <https://www.seattletimes.com/seattle-news/candidates-for-president-of-seattles-police-union-bring-different-styles-to-the-race/> (January 27, 2020).

1 5.129 Solan ran on the slogan “It’s Time to Get Serious,” arguing he was the better candidate to
2 lead SPOG at a time when police are “under unreasonable levels of scrutiny both locally
3 and nationally.” Solan bragged that he led the statewide campaign against Initiative 940,
4 the police-reform measure overwhelmingly approved by voters in 2018. And he published
5 dramatic campaign videos decrying the “anti-police activist agenda that is driving Seattle’s
6 politics.”¹⁰²

7 5.130 In early 2020, Solan was elected president of SPOG by an overwhelming majority of union
8 voters, capturing more than 500 of the 750 votes cast – a large turnout for the union
9 representing at the time over 1,250 officers and sergeants. Former SPOG President Rich
10 O’Neill said to reporters at the time, “From what I’m hearing, it was a lot of younger
11 officers” who made the difference.¹⁰³

12 5.131 In a June 2020 press conference about the BLM/George Floyd protests, President Solan:

- 13 • Derisively referred to community concerns over “mourning badges” covering badge
14 numbers of officers as “angst.” (This cover-up of badge numbers being a concern that
15 has been raised repeatedly in past years with regard to identifying officers and holding
16 them accountable for their actions in mass protest situations).
- 17 • Collectively referred to all individuals who protested “at night” (which he defined as
18 starting around 4pm) in the area of 11th and Pine (the East Precinct in Capitol Hill) as
19 “criminal agitators,” even though the vast majority of the protesters were peacefully
20 exercising their rights to free speech and assembly, speaking out against racism and
21 police brutality.
- Expressed hostility towards the protesters’ rhetoric (i.e. their free speech), calling it
“unconscionable verbiage hurled at our officers.”
- Supported and encouraged the use of tear gas, calling it a “less lethal tool that is
effective in restoring public order,”¹⁰⁴ describing it as the “the only tool that’s effective

22 ¹⁰² *Id.*

23 ¹⁰³ <https://www.seattletimes.com/seattle-news/seattle-police-union-elects-hard-line-candidate-as-president-in-landslide-vote/> (February 4, 2020).

24 ¹⁰⁴ Seattle Police Officers Guild – Press Conference 6.8.20, <https://www.youtube.com/watch?v=geKHxXejTTY> (June 8, 2020).

for us to be able to hold this facility [the East Precinct] and protect our people.”

- Dismissively replied to a reporter’s question about the propriety of using tear gas in this era of Covid-19, “you’re going to have to ask a medical expert about that.”¹⁰⁵

5.132 Regarding the abandonment of the East Precinct by the City and the SPD (and the subsequent formation of CHAZ/CHOP), President Solan has repeatedly described it as a “surrender,” even asking “What’s to stop these unreasonable activists to take another precinct, say, the flagship precinct of the Seattle Police Department, the West Precinct, which houses the 911 call center?”¹⁰⁶ Mr. Solan was suggesting a danger of mass insurrection that never existed.

5.133 Regarding CHAZ/CHOP – a small area of Seattle’s Capitol Hill neighborhood spanning approximately six city blocks, and which had been the site of food and first aid tents, memorials to Black people killed by police, and spirited public discussions¹⁰⁷ – President Solan claimed that “violence has now besieged” the zone, and that officers weren’t allowed into the zone to locate or provide aid to individuals who had been injured. These claims were proven to be false.¹⁰⁸

5.134 Regarding SPD’s dismantling of CHAZ/CHOP, President Solan described it as going in to “liberate the City of Seattle who was held hostage by these unreasonable activists.”¹⁰⁹

5.135 President Solan dismisses the message of the protesters, characterizing it as coming from “the far left radical parts of our society,” and as using police as “that pawn to divide our

¹⁰⁵ Seattle Police Officers Guild – Press Conference 6.8.20, <https://www.youtube.com/watch?v=geKHxXejTTY> (June 8, 2020).

¹⁰⁶ Seattle Police Officers Guild President Mike Solan, Interviewed on Tucker Carlson Tonight 6.11.20, <https://www.youtube.com/watch?v=Q1DDVUdGNBA> (June 12, 2020) (emphasis added).

¹⁰⁷ <https://mynorthwest.com/1937349/opinion-debunking-myths-capitol-hill-autonomous-zone/> (June 12, 2020).

¹⁰⁸ <https://www.breitbart.com/politics/2020/06/20/seattle-officers-guild-pres-officers-werent-allowed-into-chaz-to-find-victims-and-provide-aid/> (June 20, 2020); <https://www.kuow.org/stories/seattle-police-and-fire-confusion-slowed-response-to-chop-shooting-not-protesters> (July 26, 2020).

¹⁰⁹ Seattle Police Officers Guild President Mike Solan, interviewed on Fox and Friends 7.4.20, <https://www.youtube.com/watch?v=7PHmErKGdO8> (July 5, 2020).

1 nation based upon false narratives.”¹¹⁰

2 5.136 President Solan has repeatedly referred to protesters as “Marxists” and “terrorists” and
3 framed the situation as an ideological fight between good and evil.¹¹¹

4 5.137 President Solan’s repeated and aggressive reference to violence and insurrection by Black
5 people—and supporters—is an age-old racist trope.

6 5.138 President Solan is so consistent in referring to all protesters as “unreasonable activists” on
7 television – most frequently on Fox News – that compilations have been made showcasing
8 his talking points.¹¹²

9 5.139 SPOG has repeatedly released publicly viewable videos – most of which are edited,
10 narrated, and set to dramatic and ominous music¹¹³ – that are selectively negative in their
11 portrayal of the BLM/George Floyd protesters.

12 5.140 One of those videos (about incidents that happened on August 16, 2020), started by
13 describing “A group of approximately 100 masked individuals...” – yet notably omits the
14 fact that citizens are wearing masks because of the Covid-19 pandemic. That same video
15 consisted of quick clips and jump cuts, lacking context, to give an overly negative and
16 chaotic impression of the events of that night.¹¹⁴ As Seattle University communications
17 professor Victor Evans put it, “we didn’t really see what actually took place.”¹¹⁵

19 ¹¹⁰ <https://mynorthwest.com/2124085/seattle-police-protesters-mike-solan-guild/> (August 28, 2020).

20 ¹¹¹ <https://southseattleemerald.com/2020/09/10/opinion-spog-head-and-the-spd-are-waging-an-old-propaganda-war-against-protestors-and-the-left-to-thwart-accountability/> (September 10, 2020).

21 ¹¹² <https://twitter.com/spekulation/status/1293782053687660544?s=20> (August 12, 2020).

22 ¹¹³ Seattle Police Officers Guild – Protest Response. An Open Statement to the Citizens of Seattle.
<https://www.youtube.com/watch?v=qkd6q78Uxw4> (June 4, 2020); SPOG Headquarters Attacked by Antifa, 6
Officers Injured. Seattle City Council Does Nothing, <https://www.youtube.com/watch?v=mgq31LYgySc> (August
19, 2020).

23 ¹¹⁴ SPOG Headquarters Attacked by Antifa, 6 Officers Injured. Seattle City Council Does Nothing,
<https://www.youtube.com/watch?v=mgq31LYgySc> (August 19, 2020).

24 ¹¹⁵ <https://www.king5.com/article/news/local/police-guild-releases-edited-video-from-sunday-riot/281-a7aad7e4-5bb3-4143-9bdc-3c5d2b180687> (August 19, 2020).

1 5.141 In September 2020, President Solan publicly intimidated the press by implying they were
2 engaged in criminal acts simply by being present at protest events:¹¹⁶



20 5.142 On January 4, 2021, President Solan implied that leftist politics were the reason for the
21 repeated creation of new oversight agencies that – in his opinion – amount to little more
22 than witch hunts for non-existent racist cops (despite the SPD's continued federal oversight
23

24 ¹¹⁶ <https://twitter.com/realmikesolan/status/1303151547291852805> (September 7, 2020).

for excessive use of force).



Mike Solan @realmikesolan · Jan 4

Nobody from @SPOG1952 or #KCPOG were included in this task force. Why? = #politics. @SeattlePD is the most progressive agency in #America. What will happen when this UOF group doesn't find racist cops? Oh wait, more task forces. @KingCoSheriff #HOLDTHELINE! 🇺🇸



LawEnforcementToday @LawEnforceToday · Jan 4

New York and California: In 2021, we're going after police.

Washington: Hold my beer.

lawenforcementtoday.com/gov-inslee-to-...

5.143 On January 6, 2021, supporters of Donald Trump violently broke into, occupied, vandalized, and looted parts of the United States Capitol for several hours. Many were armed with guns and other weapons. It is widely accepted that the insurrection was planned, supported, and executed largely by white nationalist groups and racist sympathizers.

5.144 Perpetrators of the U.S. Capitol insurrection murdered a police officer¹¹⁷ and beat another with an American flag.¹¹⁸

5.145 The next day, on January 7, 2021, President Solan said nothing about the white nationalists and racist sympathizers behind the only violent insurrection of the U.S. Capitol in modern history.

5.146 At least six SPD officers attended the U.S. Capitol rally on that day and are the subject of internal reviews – the results of which have not been shared with the public.

¹¹⁷ <https://www.nbcnews.com/news/us-news/police-officer-who-died-after-capitol-riot-always-wanted-be-n1253516>

¹¹⁸ <https://www.nbcwashington.com/news/local/capitol-rioter-beat-dc-officer-with-pole-flying-american-flag/2539161/>

5.147 In order to foster a false narrative to justify SPD officers' continued discriminatory abuse tactics against BLM protesters Solan claimed that BLM protesters were behind the white nationalist Capitol insurrection.



Mike Solan @realmikesolan · Jan 7

#American #cops caught in the "middle" between factions vying for #political control. Reminds me of our friends @PoliceServiceNI 🇺🇸. Our present/future?

As #MSM tells us who to blame for yesterday's #troubles, @MrAndyNgo continues to be reliable. #HOLDTHELINE! 🇺🇸



Andy Ngô @MrAndyNgo · Jan 7



One of the men who was part of the siege of the Capitol building is John Earle Sullivan, an extreme BLM activist from Utah. He was arrested & charged in July 2020 over a BLM-antifa riot where drivers in Provo were threatened & one was shot. deseret.com/utah/2020/7/10...

[Show this thread](#)

5.148 Not once did Solan denounce the actions of the white Capitol rioters on his Twitter account nor call the rioters names (i.e. "Marxists" and "terrorists" or "unreasonable activists").

5.149 In a statement, Mayor Durkan called President Solan's statements "wrong, immoral, and a

lie” stating that he should “apologize or resign.”¹¹⁹

5.150 President Solan’s tweets were rebuked by former Seattle Police Chief Carmen Best.



5.151 On February 2, 2021, the Seattle LGBTQ and Human Rights Commission formally requested that the Seattle City Council subpoena Mike Solan and conduct a public inquest into the issue of white nationalism within SPD’s ranks.¹²⁰

5.152 SPOG, its members, and its leaders, including President Solan, have repeatedly presented slanted, misleading, or false narratives regarding Black people, People of Color, Black Lives Matter protesters, and BLM/George Floyd protesters specifically, fomenting a toxic us-versus-them, militaristic attitude amongst the Seattle police force. These actions represent unexamined systemic racism throughout the SPD.

¹¹⁹<https://www.king5.com/article/news/local/mike-solan-comments-us-capitol-riot-seattle-police-guild-president/281-e1295373-e050-4d5a-85e5-f7d2cca445c9>.

¹²⁰<http://www.seattle.gov/Documents/Departments/LGBT/LGBTQHRC%20Letter%20re%20SPD%20and%20SPOG.pdf>

5.153 These actions have served to excuse and even encourage the SPD's excessive and unreasonable use of force, as well as discrimination against Black people, People of Color, Black Lives Matter protesters, and BLM/George Floyd protesters specifically, both in the past and in the future.

Oversight of the SPD's Response to the BLM/George Floyd Protests

5.154 The full extent of what the SPD did and why during the BLM/George Floyd protests is still unfolding. This office has issued Public Records Requests for documentation such as police reports, body camera videos, etc.; the City has responded that it will take six months to a year before any type of a response will be provided – despite the fact that similar body camera evidence has been released to the public when it suited the police, edited and set to dramatic and ominous music.¹²¹

5.155 Even so, some preliminary information has come to light, including numerous observations by the various agencies and organizations tasked with monitoring the SPD.

5.156 Observations by the Seattle Office of Police Accountability (OPA):

5.156.1 On August 15, 2020, OPA issued a response to the City Council's Crowd Control Weapons Ordinance Ban:¹²²

- The OPA expressed concern regarding “the sheer amount of force used by SPD over the last two months, which appears to represent a significant departure from previous demonstrations.”
- “...officers were sent to confront crowds with no clear strategy or plan behind the deployment,” which led to a pattern of using force to temporarily remove crowds from certain areas, only for demonstrators to return and for the pattern to repeat itself. “Front-line officers and supervisors sometimes appeared to be improvising their responses to the crowd in the apparent absence of clear directions from an incident commander.... These types of uses of force served

¹²¹ SPOG Headquarters Attacked by Antifa, 6 Officers Injured. Seattle City Council Does Nothing, <https://www.youtube.com/watch?v=mgq31LYgySc> (August 19, 2020).

¹²² United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 636-1, Response to City Council Crowd Control Weapons Ordinance Ban (August 14, 2020).

no clear law enforcement purpose: they did not prevent property damage, effectively disperse the crowd, or allow peaceful demonstrators their right to protest.”

- The OPA expressed concern that the SPD’s Incident Action Plans (IAPs), prepared prior to each demonstration to lay out SPD’s objectives in responding to the demonstrations, were “too vague and do not provide the guidance officers and supervisors need to handle a demonstration.” For example, a recent IAP declared the following objective: “Provide for the safety of the first responders, general public, spectators, and participants by maintaining a police presence that will give officers the ability to respond to any gathering that may impact public safety.” The objectives and even “special instructions” for responding officers were frequently copied from one day’s IAP into the next, “with no differentiation between them.” “The lack of any written contingency plan prevents OPA from evaluating an incident commander’s planning for a demonstration and leaves front-line supervisors and officers without clear instructions about what to do if communications with the incident commander break down.”
- “...at times, SPD deployed large groups of officers for reasons that are unclear. Not only does this create the risk of unnecessary escalation, it also forces officers into a situation where they become targets for anyone in the crowd who seeks to engage or harm them.”
- “...SPD officers at times did not have access to or bring to demonstrations an appropriate public address system.” “The absence of an appropriate public address system at a demonstration is problematic because in the event that commanders need to disperse a crowd, they are left with the choice of either waiting for a patrol vehicle to arrive or dispersing the crowd without giving an appropriate public safety order. It also makes it virtually impossible for SPD to give appropriate warnings to demonstrators when unlawful conduct occurs.... The use of force on community members who have not been given an audible dispersal order has the potential to cause physical harm, escalates tensions and undermines public trust.”
- “OPA has received numerous complaints from community members who contend that they or others were subjected to the use of less-lethal weapons despite having done nothing wrong. Although these incidents are still under investigation, they highlight the secondary effects that the use of less-lethal tools can have on peaceful demonstrators and on public trust in SPD.”

5.156.2 On January 15, 2020, OPA publicly released multiple reports on completed investigations, which included sustained findings of improper, out-of-policy use, as well as recommendations for systemic changes.

1 5.156.3 In three cases, SPD officers deployed tear gas canisters or blast balls overhand
2 without being fully aware of their surroundings, and hitting people who were
3 not posing a risk to public safety or property. The OPA found that the methods
4 used to deploy these munitions were inconsistent with policy and training. It
5 recommended not only sustained allegations of improper use, but also
6 systemic policy changes to prohibit officers from deploying blast balls
7 overhand and/or directing blast balls at a person unless purposed to prevent
8 imminent serious bodily harm.¹²³

9 5.156.4 In the first case, non-SWAT SPD officers, who were largely assigned to
10 patrol, received an “abbreviated,” “impromptu” training on the deployment of
11 CS gas canisters by hand. The training lasted for approximately 30 minutes.
12 One of the officers who received this “impromptu” training threw a CS gas
13 canister that struck a reporter standing in Cal Anderson Park. At the time,
14 while the adjacent street was crowded with people, the park was relatively
15 empty. Most of the people in the park were recording what was happening on
16 their phones. There was no evidence of any individuals in that vicinity of the
17 park throwing projectiles at officers. The officer threw the CS gas canister
18 over the park fence. The OPA found this deployment “simply inconsistent
19 with the expectations and training surround the use of such less-lethal
20 tools.”¹²⁴

22

¹²³ https://www.seattle.gov/Documents/Departments/OPA/PressReleases/01-15-21_OPA-Press-Release-Dashboard-Update.pdf (January 15, 2021).

23 ¹²⁴ <http://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/2020OPA-0333ccs122820.pdf>
24 (issued December 10, 2020, released January 15, 2021).

5.156.5 In the second case, an SPD officer threw a blast ball overhand, striking a person lying on the ground with his face covered in Cal Anderson Park. The blast ball appeared to strike him directly in the vicinity of his face and chest. The officer claimed he deployed the blast ball to “disperse an assaultive crowd,” that striking the man lying on the ground was “unintentional,” and asserted that “his throw was inaccurate and was due to fatigue, the chaotic situation, the amount of gear he was wearing at the time, and his lack of athleticism.” The OPA found that this incident occurred because the officer “engaged in a risky overhand deployment without complete knowledge of where he threw the blast ball,” and that the officer acted “contrary to policy.”¹²⁵

5.156.6 In the third case (which reviews the incident involving Plaintiff Aubreanna Inda, *see infra* Paragraphs 5.431 – 5.437), an SPD officer deployed a blast ball overhand towards a person – Ms. Inda. At the time, Ms. Inda was unarmed and was not throwing projectiles at officers, and neither were the other individuals in her immediate vicinity. The officer threw a blast ball, striking Ms. Inda in the chest. The officer claimed he did not intend to hit Ms. Inda and did not even know he had done so until he became aware of the FIT and OPA investigations. The OPA found this a problem in and of itself, as it was the officer’s “responsibility to be aware of where he was throwing a blast ball, particularly when deployed overhand and in the vicinity of a person. Indeed,

¹²⁵ <http://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/2020OPA-0335ccs121020.pdf> (issued December 10, 2020, released January 15, 2021).

1 [the officer] was trained to do exactly this by the SPD. His failure to comply
2 with his training, as well as his engaging in actions that resulted in injury to
3 [Ms. Inda], constituted a violation of policy.”¹²⁶

4 5.156.7 The OPA further found that, regarding the use of blast balls, CS gas, and OC
5 spray on June 1 – a widely publicized incident where the SPD used chemical
6 weapons to disperse a crowd after an officer ripped a pink umbrella from the
7 hands of a protester¹²⁷ – the reasons to disperse the crowd were not
8 proportional to the risk of injury/damage that dispersal would cause. “As a
9 result, the decision to disperse the crowd violated [SPD] policy.”¹²⁸
10 Specifically, the OPA found that “while evidence suggested that individuals
11 within the crowd did seek out conflict with officers, the weight of the evidence
12 shows that the large majority of the crowd was not acting violently at the time
13 the officers deployed OC and, shortly after, blast balls and CS gas.” Moreover,
14 as to SPD’s claim that umbrella use by protesters was “evidence of
15 ‘coordinated conduct,’” and a “‘go-to tactic’ of individuals seeking
16 confrontation,” the OPA found that “the presence of umbrellas on the front
17 line [is not] conclusive evidence that this segment of the crowd had a settled
18 plan to confront officers or attempt to breach the line. Rather, OPA finds it
19 equally plausible that demonstrators – some of whom had been exposed to OC
20 on prior days – used umbrellas as an improvised protection tool.” And as to

21
22 ¹²⁶ http://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/2020OPA-0344ccs122820_pt1.pdf
(issued December 28, 2020, released January 15, 2021).

23 ¹²⁷ <https://www.thestranger.com/slog/2020/06/02/43818002/slog-am-police-pepper-spray-protesters-over-pink-umbrella-escalating-fourth-day-of-police-brutality-protests> (June 2, 2020).

24 ¹²⁸ https://www.seattle.gov/Documents/Departments/OPA/PressReleases/01-15-21_OPA-Press-Release-Dashboard-Update.pdf (January 15, 2021).

1 the SPD's claimed "intelligence" that individuals or groups wanted to burn
2 the East Precinct down, "OPA has not located and the Department has not
3 produced any tangible documentation of such a threat or of the intelligence
4 relied upon that would have warranted the force used."¹²⁹

5 5.156.8 Multiple Plaintiffs in this lawsuit were involved in this June 1st incident and
6 its aftermath, including but not limited to: Daniel Lugo (see Paragraphs 5.573
7 – 5.575), Daniel Pierce (see Paragraphs 5.739 – 5.742), Steven Widmayer (see
8 Paragraphs 5.897 – 5.899), and Joseph Wieser (see Paragraphs 5.910 – 5.912).

9 5.157 Observations by the Seattle Office of Inspector General (OIG):¹³⁰

- 10 • "Although the SPD crowd dispersal policy is clear as to the conditions under which
11 crowds can be dispersed and less lethal force can be used, the general nature of the
12 policy reduces crowd status to two conditions: lawful, and unlawful. In a very general
13 sense, protestors are allowed to assemble, until they are not. The transition from
14 managing a lawful demonstration to dispersing an unlawful assembly has the potential
15 to be abrupt and confusing to non-violent participants in the crowd who are unaware of
16 violence occurring elsewhere in the crowd, and who then may become understandably
17 angry when subjected to unexpected force."
- 18 • "OIG identified that there are limited opportunities for officers to gain proficiency and
19 experience with practice in using [blast balls and the 40mm launcher]. Practice
20 munitions are not available to officers for the 40mm launcher outside of annual
21 qualification requirements, and officers may not have an opportunity to deploy live
22 blast balls during annual re-training, depending on supply.."
- 23 • "...the Chief of Police made a policy decision to authorize patrol officers to deploy CS
24 without prior training. By default, this means that patrol officers deploying CS did so
without the safeguards of training or policy.... [O]fficers not formally trained in use of
CS may be unfamiliar with dispersal patterns, as well as proper first aid or
decontamination procedures."
- The SPD recognized in its 2016 ISDM on Crowd Management the many deficiencies
related to the use of traditional fixed riot lines. Tactically, fixed lines are "less flexible
and ha[ve] a limited ability to de-escalate the crowd. Psychologically, "the appearance

¹²⁹ <https://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/2020OPA-0334ccs010821.pdf>
(issued December 28, 2020, released January 15, 2021).

¹³⁰ United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 637-1, Review of the SPD Crowd Dispersal Policy and
Less Lethal Weapons (August 14, 2020).

1 and nature of a 'hard line' may cause the crowd to be more antagonistic towards the
2 police." The ISDM acknowledges "the value of perceived legitimacy and procedural
3 justice when managing a crowd," and that where "the more the police are viewed as
4 legitimate, the less likely there will be conflict." To that end, the SPD designed its
5 crowd management tactics to avoid fixed lines, create distance, limit physical
6 confrontation between the demonstrators and officers, and emphasize the need for
7 cooperation and engagement with leaders of demonstrations. Yet those tactics were not
8 followed. And although SPD training materials refer to the difficulties of applying these
9 tactics to a confrontational crowd or less mobile crowd (such as the crowds near the
10 East Precinct), "they offer few details on how to resolve these problems."

- 11 • Further, although the SPD has "wrestled with the problem of how to intervene against
12 coordinated individuals who use a larger crowd to conceal acts of violence and property
13 damage for years," it "has not developed a durable solution other than mobile bike
14 officers. That solution is not workable in a large, fixed crowd as it is almost impossible
15 for officers to safely enter the crowd and extract the individuals in question, especially
16 if they are intent on disappearing into the larger crowd."
- 17 • The events at the East Precinct demonstrated the particular ineffectiveness of the SPD's
18 de-escalation approaches. "Time did not appear to work, perhaps as SPD itself was the
19 focus of the crowd's agitation." Distance was compromised by the nature of the fencing
20 used at the East Precinct, which was "not suitable for enforcing distance between
21 officers and protestors," or for providing shield. And by "engaging in extended
22 skirmishes with protestors, SPD actually escalated the situation." For example, "by
23 tossing blast balls and then allowing the crowd to re-approach or move the fencing,
24 SPD de-legitimized its actions by making it appear as if force was used for no reason."
- "...briefings did not always occur," and "some briefings were not detailed enough to
properly inform officers as to new objectives and situational changes."
- "Personnel stated it could be very difficult to hear instructions over the radio using
existing equipment, particularly when wearing gas masks. If personnel cannot hear
instructions clearly, they may misunderstand instructions and take action which
unnecessarily or improperly escalates the situation."
- "...the public does not understand why SPD undertook many of its actions during the
recent demonstrations and are horrified by the scenes of violence and perceived
indiscriminate use of force. These actions have eroded public trust in the department."

5.158 Some of the SPD's conduct during the BLM/George Floyd protests appears to be motivated
by animus towards Black people and the Black Lives Matter movement. Information has
come to light about SPD officers committing acts such as:

- During a demonstration, stating that "I have a hard on for this shit and, if they cross the

line, I will hit them.”¹³¹

- Joking with one another about letting a bus slam into a (protester) bicyclist.¹³²
- Recklessly driving up on a sidewalk in pursuit of protesters and calling them “cockroaches.”¹³³
- While off duty, operating their personal vehicle, to stalk and circle protester pedestrians while yelling racial slurs at them, ultimately causing a collision.¹³⁴
- Sending multiple police vehicles to follow protesters with their lights flashing and their sirens blaring, with the apparent purpose of harassment, intimidation, and/or drowning out the protesters’ speech.¹³⁵
- Rolling a bicycle over the head/neck of a protester lying on the ground.¹³⁶

5.159 Systemic bias among law enforcement is not limited to SPD. A WSP Trooper was videotaped “motivating” his team by saying “Don’t kill them, but hit them hard.”¹³⁷

5.160 The disparate treatment of the BLM/George Floyd protests by the SPD has been specifically recognized by multiple oversight organizations:

- **CPC:**

“During discussions with SPD, the Department stated that Seattle boasts an average of 300+ demonstrations each year, with approximately 80 of those mentioned being monitored by police. Presuming purported numbers are correct, 26% of demonstrations are monitored by SPD annually. However, in recent months, the Department has attended a majority of demonstrations that are specifically rallying against police

¹³¹ <https://www.seattle.gov/Documents/Departments/OPA/ClosedCaseSummaries/2020OPA-0348ccs08-30-20.pdf> (August 30, 2020).

¹³² <https://southseattleemerald.com/2020/07/25/breaking-scanner-allegedly-captures-disturbing-conversation-among-spd-officers/> (July 25, 2020).

¹³³ https://www.seattletimes.com/seattle-news/seattle-police-sergeant-placed-on-leave-after-complaints-over-comments-on-video/?utm_source=referral&utm_medium=mobile-app&utm_campaign=ios (August 26, 2020); <https://www.kuow.org/stories/seattle-police-sergeant-from-car-attack-investigation-has-spotty-ethics-history> (September 1, 2020).

¹³⁴ <https://www.king5.com/article/news/local/protests/protesters-accuse-off-duty-seattle-officer-of-driving-through-their-crowd/281-d41488b0-7591-48c5-b929-abcc34d55ae5> (July 9, 2020); <https://spdblotter.seattle.gov/2020/07/04/spd-investigating-boren-and-olive-way-collision-involving-off-duty-officer/> (July 10, 2020).

¹³⁵ <https://twitter.com/spekulation/status/1308654915703586816> (September 22, 2020).

¹³⁶ http://www.seattle.gov/Documents/Departments/OPA/PressReleases/09-24-20_OPA-Requests-Criminal-Investigation.pdf (September 24, 2020).

¹³⁷ <https://www.seattletimes.com/seattle-news/washington-state-patrol-apologizes-after-officer-tells-his-team-dont-kill-them-but-hit-them-hard-in-reference-to-seattle-protesters/> (June 3, 2020).

1 violence and brutality. Moreover, SPD's presence during protests was perceived by
2 community as an intimidation tactic with a looming sense of threatening force, which
was actualized.

3 The unsettling nature of SPD's presence during recent demonstrations is underlined by
4 the way in which officers attended and presented – in riot gear, by the hundreds. It is
unclear what intelligence was gathered by the Department to warrant such a response
5 to planned peaceful protests, largely led by young people.”¹³⁸

6 • **OPA:**

7 “The recent protests in Seattle have been about police misconduct—not, for example,
8 women's rights or the environment—which has posed a unique challenge for SPD.
During protests, the police are generally responsible for protecting the public,
9 preserving property, and mitigating traffic impacts. But when the protests are police-
focused, they must also avoid escalating existing tensions with demonstrators
unnecessarily.

10 It appears to OPA that, at times, SPD deployed large groups of officers for reasons that
11 are unclear. Not only does this create the risk of unnecessary escalation, it also forces
officers into a situation where they become targets for anyone in the crowd who seeks
12 to engage or harm them. If police presence at a demonstration would not serve any
apparent purpose, it may be more appropriate for officers to monitor it from a
distance.”¹³⁹

13 5.161 After August 2020, Merrick Bobb resigned after seven years as the court-appointed
14 monitor of the Justice Department-mandated reforms of the Consent Decree. In a letter
15 authored on the eve of this resignation, Mr. Bobb expressed disappointment in the direction
16 the SPD has taken:

17 “Let me then first speak soberly about the recent demonstrations and
18 protests. SPD's performance left many observers disappointed and
crestfallen, if not disturbed profoundly by what looked like multiple
19 instances of excessive force, as if lessons learned and techniques trained
under the consent decree were lost, or, at least, set aside.”¹⁴⁰

21 ¹³⁸ United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 639-1, CPC Recommendations on Seattle's Crowd
Control Weapons Ban Ordinance 126102 (August 19, 2020).

22 ¹³⁹ United States v. City of Seattle, 2:12-cv-01282-JLR, Doc. 636-1, Response to City Council Crowd Control
Weapons Ordinance Ban (August 14, 2020).

23 ¹⁴⁰ [https://www.seattletimes.com/seattle-news/federal-judge-appoints-new-monitor-for-seattle-police-harvard-
professor-replaces-merrick-bobb-who-resigned/](https://www.seattletimes.com/seattle-news/federal-judge-appoints-new-monitor-for-seattle-police-harvard-professor-replaces-merrick-bobb-who-resigned/) (September 9, 2020);
24 <https://www.documentcloud.org/documents/7204069-Clean-Final-Version-Bobb.html>

1 5.162 Mr. Bobb described the SPD as currently being “at its nadir”:

2 “Its performance during the recent demonstrations and protests betrayed a
3 lack of adequate preparation and training, an apparent absence of an overall
4 strategic plan or foreknowledge how to deal with violent interlopers without
5 cutting off legitimate First Amendment activity by peaceful protesters, even
6 if loud and challenging; inadequate subtlety and sophistication about the use
7 of powerful and injurious nonlethal weaponry; a seeming lack at times of
8 sensitivity to the First Amendment role of journalists and the moral and
9 ethical role of medics; a willingness to call something a riot when it might
10 have met some technical definition but was a far cry from a rebellion or
11 stampede or even a melee merely so the SPD could use tear gas, a chemical
12 agent banned for use in warfare after World War I.”¹⁴¹

13 5.163 On September 21, 2020, Mr. Bobb issued a formal report to Mayor Durkan and others
14 about the SPD’s use of crowd-control weapons.¹⁴² The report concluded that “SPD’s crowd
15 management tactics during the recent demonstrations and protests were deficient” for a
16 number of reasons, including:

- 17 • “There was an apparent absence of an overall strategic plan to deal with violent
18 individuals without significant prejudice to legitimate First Amendment activity by
19 peaceful protesters. The SPD, like police departments across America, lacked seasoned
20 and well-trained commanders to respond to the novel circumstances of the George
21 Floyd and BLM protests. There also was a seeming lack at times of sensitivity to the
22 First Amendment rights of journalists and the moral and ethical role of medics.”
- 23 • “In the absence of the strategic plan and well-trained commanders, there was a lack of
24 adequate preparation and training of rank-and-file police officers and their supervisors.
Seasoned and well-trained commanders should have been taking the actions of the
crowd into consideration and making judgment calls based on the crowd size, actions,
environment, and the law enforcement resources available to the commanders to
manage the crowd. This is with the understanding that utmost care should be given to
supporting constitutional rights.”
- “There was a tendency to call something a riot when it might have met some technical
definition but was not a rebellion or melee and did not constitute an overall imminent
threat of death or serious physical injury. As a result of using the label of “riot,” there
followed indiscriminate and poorly controlled use of less- lethal tools, particularly tear

¹⁴¹ *Id.*

¹⁴² <https://www.documentcloud.org/documents/7215952-The-Facts-of-the-Protests-002.html> (September 21, 2020);
<https://www.seattletimes.com/seattle-news/report-seattle-police-department-should-ban-tear-gas-remind-officers-to-protect-protesters-rights/> (September 23, 2020).

gas and blast balls as described later in this memorandum.”

5.164 The report noted that regardless of how quickly the BLM/George Floyd protests arose after Mr. Floyd’s death,

“from WTO through Occupy to several May Days and other protests in Seattle and elsewhere, the SPD has had opportunities to learn and formulate plans for a variety of scenarios, including ones in which there was significant property destruction, looting, breaking of storefront glass, and attacks on police officers. Likewise, there were instances where persons bent on violence came from elsewhere to Seattle to throw bricks and bottles and be confrontational and provocative. In other words, SPD had seen much of this before and at an earlier time was able to ably manage crowds.”¹⁴³

5.165 A second Motion was filed asking Judge Jones to hold the City in contempt of the preliminary injunction that had been issued on June 17, 2020 and modified on August 10, 2020. The Motion cites four incidents from late August through late September in which the SPD has continued to use less lethal weapons against peaceful protesters in an indiscriminate, disproportionate, and unnecessary manner, including:

- Mobilizing a disproportionate number of officers to meet peaceful protesters with force;
- Snatching away umbrellas and shields and spraying the then-defenseless protesters with peppers spray;
- Injuring peaceful protesters and observers including senior citizens and a five-year-old child;
- Herding peaceful protesters on “forced marches” while preventing protesters from dispersing and arresting those protesters who fell behind or tried to leave;
- Throwing blast balls at retreating protesters; and
- Lobbing less-lethal munitions indiscriminately into crowds, at times as rapidly as every 1-2 seconds over the course of many minutes.¹⁴⁴

¹⁴³ *Id.*

¹⁴⁴ Black Lives Matter Seattle-King County v. City of Seattle, 2:20-cv-00887-RAJ, Doc. 114, Motion for Order to Show Cause Why City of Seattle Should Not Be Held In Contempt (September 30, 2020).

1 5.166 After briefing by the parties and an evidentiary hearing, the Court granted in part the
2 Plaintiff's Motion for contempt and identified "four clear violations" of the Court's
3 Preliminary Injunction. One where an officer on a bicycle rode up behind several retreating
4 protesters and sprayed them in the face with OC spray "for no apparent reason." And three
5 where officers threw blast balls "indiscriminately into a crowd," and/or to "'create space'
6 without any threat of imminent harm."¹⁴⁵

7 5.167 The BLM/George Floyd protests continue to this day. Without significant changes to how
8 the SPD and its officers operate, there remains an unacceptable risk that peaceful protesters
9 and bystanders will continue to be harmed by the SPD's excessive actions in the future.

10 **Public Records Act Requests and Nonresponses**

11 5.168 Since June 2020, Plaintiffs have made numerous requests of the SPD under the Public
12 Records Act (PRA).

13 5.169 All of Plaintiffs' PRA requests remain open.

14 5.170 Only a small fraction of Plaintiffs' PRA requests have received a partial installment of
15 records. The rest have received no responsive records.

16 5.171 In some cases, the SPD provided an initial estimated response date of six months or more
17 after the request date, and when that response date arrived, the SPD provided no records
18 – not even a partial installment. Instead, the SPD claimed that "additional time" was
19 needed to process the request, blaming the high volume of requests, staffing shortages,
20 and Covid-19, and provided a new estimated response date months into the future.

21 5.172 By comparison, Plaintiffs have also made PRA requests of entities like King County, the
22

23 ¹⁴⁵ Black Lives Matter Seattle-King County v. City of Seattle, 2:20-cv-00887-RAJ, Doc. 161, Order (December 7,
24 2020)

State of Washington, and even the Seattle City Attorney’s Office. Most of those requests have been answered and closed within about 60 days of submission.

5.173 This is not a new issue for the SPD. As noted in a recent news report, “for more complicated police records requests – say those seeking an officer’s body-worn video or asking for multiple categories of data – it can take months, even years, before the city coughs up all the records.”¹⁴⁶

5.174 Upon information and belief, where a single requester submits five or more requests, the SPD has instructed its public records staff to group and process those requests one at a time, “leaving the rest to languish untouched, sometimes for months.”¹⁴⁷

5.175 Although the SPD claims they engage in this practice to avoid “prioritiz[ing] one requester over the other,” in fact the practice achieves the exact result SPD claims it is supposed to prevent: violating the state records law’s provision that agencies “shall not distinguish among persons requesting records.”¹⁴⁸

5.176 Such “serialization” of multiple requests penalizes those who frequently rely on records request to scrutinize hidden government actions,¹⁴⁹ including attorneys and the clients who rely upon them – like Plaintiffs and their counsel.

5.177 Upon information and belief, the SPD also is failing to devote necessary resources to meet even basic compliance with the records laws – leading to an intentional backlog and intentionally slow responses.¹⁵⁰

5.178 The law demands public agencies provide the “fullest assistance” possible and to respond

¹⁴⁶ <https://www.seattletimes.com/seattle-news/seattles-disclosure-of-police-records-lags-as-experts-question-legality-of-citys-practices-funding/> (February 10, 2021).

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

to requests “promptly.” Neither “an extreme backlog” nor “staffing shortages” fall among the exceptions allowed for delaying responses.¹⁵¹

5.179 Below is a chart summarizing PRA requests made on behalf of Plaintiffs and their status.

Requests that are 100-149 days old are highlighted in yellow. Requests that are 150-199 days old are orange. Requests that are 200-249 days old are red. Requests that are 250 or more days old are purple. Overdue estimated responses are shown in red:

Plaintiff	Date Filed	Reference ID No.	Installments Received	Days passed as of 4/1/21	Next Estimated Response
General	6/25/2020	P059967-062520	1	280	3/19/2021
General	6/25/2020	P059970-062520	1	280	6/18/2021
General	6/25/2020	P059973-062520		280	3/19/2021
General	6/25/2020	P059974-062520	1	280	4/2/2021
General	8/7/2020	P062086-080720		237	4/9/2021
Anderson, Sara	7/15/2020	P060905-071520	1	260	9/24/2021
Ekenezar, Abie	9/14/2020	P063935-091420		199	5/14/2021
Farmer, Edward	9/3/2020	P063490-090320		210	4/9/2021
Hartley, Lexus	8/19/2020	P062661-081920		225	3/26/2021
Howe, Malichi	7/10/2020	P060683-071020		265	3/26/2021
Hughey, Jesse	8/14/2020	P062418-081420	1	230	9/17/2021
Hughey, Jesse	10/20/2020	P065655-102020		163	6/4/2021
Inda, Aubreanna	9/8/2020	P063652-090820		205	4/14/2021
Kauchak, Timothy	2/18/2021	P070568-021821		42	9/3/2021
Kelliher, Jack	6/25/2020	P059969-062520	1	280	3/19/2021
Kinyon, Jenna	7/8/2020	P060567-070820	1	267	6/25/2021
Merino, Chloe	8/31/2020	P063270-083120		213	4/2/2021
Mills, Toni	10/15/2020	P065422-101520		168	6/4/2021
Peacock, Wesley	9/14/2020	P063936-091420		199	5/14/2021
Pickett, Jordan	6/17/2020	P059971-062520	1	288	4/2/2021
Pierce, Charles	8/12/2020	P062330-081220	1	232	8/13/2021
Pierce, Daniel	7/8/2020	P060568-070820	1	267	6/25/2021
Raketty, Renee	9/8/2020	P063650-090820	1	205	4/22/2021
Ruedemann, Alex	8/31/2020	P063269-083120		213	4/2/2021
Sterner, Carolyn	11/12/2020	P066673-111220		140	4/1/2021
Swanson, Sean	10/20/2020	P065653-102020		163	6/4/2021
Taylor, Summer	8/7/2020	P062088-080720		237	4/9/2021

¹⁵¹ *Id.*

Plaintiff	Date Filed	Reference ID No.	Installments Received	Days passed as of 4/1/21	Next Estimated Response
Taylor, Summer	8/7/2020	P062096-080720	1	237	5/28/2021
Thompson, Meghan	7/14/2020	P060846-071420		261	SPD Closing
Widmayer, Steven	7/28/2020	P061543-072820		247	4/26/2021
Wieser, Joseph	7/28/2020	P061544-072820		247	4/26/2021
Wieser, Joseph	11/12/2020	P066672-111220		140	4/1/2021
Williams, Gillian	7/8/2020	P060569-070820		267	SPD Closing

5.180 Where the SPD has provided records, the volume of records has been minimal, and largely not of the incidents themselves but of records made after the fact. For example, Plaintiffs have received the following:

5.180.1 P059967-062520 – A general request for policies, procedures, studies, training, instructions, and duty rosters – four (4) PDFs, consisting of two excerpts of the SPD’s Police Manual and two memoranda.

5.180.2 P059970-062520 – A general request for press releases, social media posts, statements, and other communications – 75 pages of mostly emails.

5.180.3 P059974-062520 – A general request for video, photo, and audio of the protests – 20 body cam videos from May 30, 2020.

5.180.4 P060905-071520 – A request for records pertaining to Plaintiff Sara Anderson’s incident – two (2) incident reports and 12 body cam videos.

5.180.5 P062418-081420 – A request for records pertaining to Plaintiff Jesse Hughey’s incidents – photos and videos taken of Mr. Hughey in police custody after his arrest, and 16 pages of records mostly consisting of Mr. Hughey’s arrest report.

5.180.6 P059969-062520 – A request for records pertaining to Plaintiff Jack Kelliher’s incident – 16 pages of records mostly consisting of Mr. Kelliher’s arrest

report.

5.180.7 P060567-070820 – A request for records pertaining to Plaintiff Jenna Kinyon’s incidents – Photos and videos taken of or about Ms. Kinyon after her arrest, and 13 pages of records mostly consisting of Ms. Kinyon’s arrest report.

5.180.8 P059971-062520 – A request for records pertaining to Plaintiff Jordan Pickett’s incident – “862 photos for main event on 06/07/2020, Incident No. 20-183044.”

5.180.9 P062330-081220 – A request for records pertaining to Plaintiff Charles Pierce’s incident – photos and an audio statement taken of Mr. Pierce in police custody after his arrest, and 13 pages of records mostly consisting of Mr. Pierce’s arrest report.

5.180.10 P060568-070820 – A request for records pertaining to Plaintiff Daniel Pierce’s incidents – four (4) police reports from the general time periods of his incidents.

5.180.11 P063650-090820 – A request for records pertaining to Plaintiff Renee Raketty’s OPA complaint and investigation – non-evidentiary records only (e.g. emails requesting officer interviews, the OPA complaint itself, a Google map of the location where the incident occurred, etc.).

5.180.12 P062096-080720 – A request for records pertaining to Plaintiff Summer Taylor’s incident leading to their death – Records of Incident No. 20-204064, including 54 pages of documents, 911 calls, and radio traffic.

5.181 The SPD also recently sent notice it will be closing two requests – for Plaintiffs Meghan

Thompson and Gillian Williams – as duplicative of the request made of Plaintiff Daniel Pierce. As noted above, in response to Mr. Pierce’s Public Records Request, the SPD has produced to date only four (4) police reports.

Failure to Protect Protesters From Harm

5.182 SPD has both engaged in the excessive use of force and failed to exercise its duties to protect and serve the protesters.

5.183 The First Amendment contemplates that protesters may occupy public streets and sidewalks. The City and State may not abandon their legal duties because they disagree with or are irritated with protesters. As Judge Jones explained, once the protesters established their “public fora,” officers needed to ensure public safety by cordoning off the area from vehicular traffic.¹⁵²

5.184 For additional detail regarding these claims, see below regarding Summer Taylor.

The Plaintiffs

5.185 Plaintiffs were peacefully participating in the protests at the time of the incidents giving rise to this lawsuit.

5.185.1 At all times Plaintiffs were engaged in the exercise of their rights to assemble and engage in free speech on the issues of racism, bigotry, and biased law enforcement against Black people, including the deaths of George Floyd and innumerable others both in state and around the country.

5.185.2 The Plaintiffs did not engage in any criminal behavior. They did not strike nor attempt to strike any person including law enforcement either with their

¹⁵² Black Lives Matter Seattle-King County v. City of Seattle, 2:20-cv-00887-RAJ, Doc. 34, Order Granting in Part Motion for Temporary Restraining Order (June 12, 2020).

1 person or any sort of item or weapon. They did not commit any looting. They
2 did not threaten any person or law enforcement officer with bodily harm.

3 5.186 Peaceful protesters in Seattle seek to raise public awareness and garner political action for
4 the cause of BLM/George Floyd's death. They seek cultural influence – the power of a
5 movement to shape public opinion, language and everyday behavior. They seek disruption
6 – the power of a movement to make it more costly for people to support the status quo.
7 They seek organizational power – the transformation of the movement through change
8 within institutions. It is the element of disruption that bothers most those (police) whom
9 the protesters are protesting against. Yet disruption historically (i.e. sit-ins during the civil
10 rights movement) prompted business owners to desegregate from fear of the costs of facing
11 future protesters. Disruption can also signal the depth of participants' commitment to a
12 cause and the movement's capacity to withstand repression.¹⁵³

13 5.187 The peaceful protester Plaintiffs deserved protection – not violence and disregard.

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23 ¹⁵³ See Kenneth T. Andrews, professor of sociology at the University of North Carolina at Chapel Hill and the
24 author of "Freedom Is a Constant Struggle: The Mississippi Civil Rights Movement and Its Legacy."
<https://www.nytimes.com/2017/10/21/opinion/sunday/how-protest-works.html> (October 21, 2017).

Summer Taylor



5.188 Summer Taylor (24 years), worked in a Veterinary clinic and actively participated in the BLM/George Floyd protests.

5.189 On or about May 30, 2020, Mx. Taylor was peacefully protesting in downtown Seattle when they were indiscriminately tear gassed by the SPD.

5.190 On or about June 6, 2020, Mx. Taylor was peacefully protesting in Capitol Hill when the SPD began deploying pepper spray and tear gas. Their face and hands were exposed to the chemicals, which caused them to cough profusely.

5.191 On or about July 1, 2020, Mx. Taylor was peacefully protesting in Capitol Hill when they were pepper sprayed without reason or provocation by the SPD. They washed their hands repeatedly, and eventually had to put them in bowls of ice to reduce the burning sensations from the pepper spray.

5.192 As a direct and proximate result of the chemical weapons used on them by the City and SPD, Mx. Taylor suffered pain, trauma, and other damages, including but not limited to

1 burning of their hands and skin. Mx. Taylor also suffered infringement upon their
2 constitutional rights. The Estate of Mx. Taylor has survival claims for these personal
3 injuries and violations of their constitutional rights.

4 5.193 On July 4, 2020, Mx. Taylor was peacefully protesting with a group of protesters on a
5 closed off section of I-5 in downtown Seattle, like they had done multiple times in the past.

6 5.194 Mx. Taylor was at all relevant times a peaceful protester. They incorporate by reference
7 paragraph 5.185, *supra*.

8 5.195 Protests on I-5 are not new. The day after the Kent State shootings, on May 5, 1970, 7,000
9 anti-war protesters from the University of Washington marched down I-5 in the middle of
10 the day.

11 5.196 10,000 protesters followed the next day.

12 5.197 On May 8, 1970, Seattle Mayor Wes Uhlman closed the I-5 express lanes to allow 15,000
13 protesters to march from UW to the federal courthouse in downtown Seattle.

14 5.198 Mx. Taylor's assembly on July 4, 2020 was Constitutionally protected and had been
15 allowed to occur by City and State for 19 days in a row at the time of the incident.

16 5.199 In mid-June 2020, protesters indicated their intent to protest on the freeway on a nightly
17 basis.

18 5.200 The City and State knew of the risks posed to protesters, including risks from both
19 unsuspecting freeway motorists as well as drivers targeting protesters.

20 5.201 The City and State knew or should have known of the risks posed to drivers and protesters
21 alike, not just from their general experience maintaining safe roadways, but also from
22 specific events inside and outside of Washington.

23 5.202 In 2017, a man intentionally rammed anti-racism demonstrators with his car in

Charlottesville.

5.203 On June 7, 2020, Nikolas Fernandez drove into a crowd of protesters near the East Precinct, stopped by Daniel Gregory and others before striking anyone with his vehicle.

5.204 In response, the City and State implemented a policy of “full closure” of that portion of I-5 in the downtown Seattle area where the protests were to occur.

5.205 In doing so, the State articulated its priorities as “Safety of our personnel (WSP and IRT) is our overriding priority, as well as the safety of any uninvolved motorists *and then protestors.*” (emphasis added).

5.206 The City and State did not achieve “full closure.”

5.207 At least twice prior to July 4th, motorists penetrated the closures, putting motorists and protesters alike at risk. In at least one of those incidents, on the night of June 25, 2020, a motorist “busted” through a WSDOT blockade and nearly struck several protesters.¹⁵⁴

5.208 On June 19, 2020, Captain Ron Mead of the Washington State Patrol wrote: “We are too far into this to have that happen at this stage.”¹⁵⁵

5.209 On some nights, the State relied on livestreamed videos to follow protesters, which often left troopers without solid information about where the protesters were.¹⁵⁶

5.210 On June 27, 2020, WSP Chief John Batiste publicly stated the position of WSP with respect to permitting protesters to exercise their First Amendment rights on public roadways which included I-5 in downtown Seattle:

“In a time that requires care and flexibility, we are exercising the safest means possible to avoid injuries or worse to motorists, protesters, WSDOT personnel and our troopers by closing the roadway as needed and separating

¹⁵⁴ <https://www.seattletimes.com/seattle-news/ahead-of-deadly-july-crash-state-patrol-emails-show-debate-and-frustration-over-protest-freeway-closures/> (September 16, 2020).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

1 protestors from vehicular traffic...”

2 ***

3 “With no effective way of stopping large crowds from entering its lengthy
4 borders, temporarily shutting the roadway is our best measure to avoid the
5 dangerous mixture of freeway speed, vehicles, and pedestrians, and to end
6 the disruptions as quickly as possible.”

7 ***

8 “In this unique environment of prolonged and daily protests, our
9 responsibility to keep people safe extends to those who might be endangered
10 by protests on the roadways as well as those who peacefully use the freeway
11 for making public statements...”¹⁵⁷

12 5.211 Based upon the express publicized statements of WSP Chief Batiste, Mayor Durkan,
13 Governor Inslee and other government officials, protesters understood that they were
14 allowed to protest on I-5, and that their lives and free speech would be protected because
15 the roadways were going to be shut down.

16 5.212 The City and State did not properly shut down the roadway, only partially shutting down
17 the roadways and means of getting on the freeway.

18 5.213 Law enforcement parked patrol vehicles in the front of on-ramps but chose not to park any
19 vehicles on the off-ramps.

20 5.214 The State had previously been discouraging protesters from protecting themselves using
21 “support” vehicles by arresting the drivers, charging them with Disorderly Conduct, and
22 impounding their vehicles.

23 5.215 Unguarded ramps provided direct access to the freeway by drivers who either intentionally
24 sought to run into the protesters, or drivers who might be impaired or otherwise driving
25 negligently.

¹⁵⁷ <https://www.wsp.wa.gov/2020/06/27/statement-from-chief-john-r-batiste-on-the-need-for-occasional-roadway-closures/> (June 27, 2020).

5.216 As a result, Defendant Dawit Kelete, an impaired driver who was under the influence of methamphetamines, was able to enter the “closed” section of the freeway.

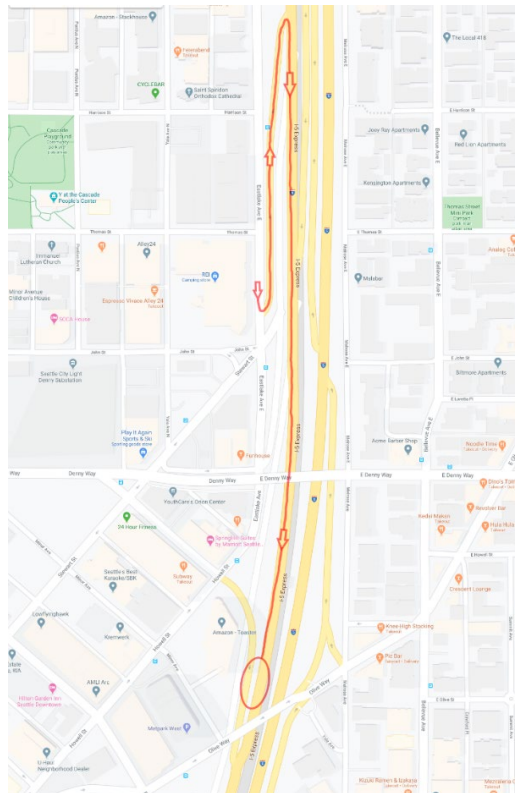
5.217 Mx. Taylor was protesting in the middle of the road with a group known as the Black Femmes when a car suddenly appeared speeding down the roadway. They and the others attempted to flee the roadway but along with Diaz Love were struck by the vehicle.

5.218 The incident took place near the Yale on-ramp – a location the City and State knew protesters used on a regular basis to access the freeway for protest activities.

5.219 The physical facts are described in the Information Cause No. 20-1-0457-0 SEA – the criminal case against Mr. Kelete.

5.220 The Major Accident Investigation Team investigation has not been made available.

5.221 Based upon the description in the Information, the alleged route of Mr. Kelete appears to be as follows:



1 5.222 The vehicle did not strike any physical barrier prior to striking the protesters. The only
2 barriers on the freeway protecting the protesters were in the form of three “support”
3 vehicles parked by the protesters themselves. The vehicles did not extend the full length of
4 the roadway.

5 5.223 After this incident, Capt. Mead wrote: “Quite frankly, we anticipated a lot of scenarios, but
6 having a vehicle on a closed exit and reaching the protestors wasn’t’ among them.”¹⁵⁸

7 5.224 Capt. Mead wrote: “Did our strategy give the protestors a false sense of security? Perhaps
8 in retrospect it did.”

9 5.225 Capt. Mead wrote “...the only truly safe way of protecting protestors is to deny them access
10 to the freeway in the first place....”

11 5.226 As a direct and proximate result of the City and the State’s abandonment of their legal
12 duties of government and law enforcement to protect peaceful protesters from reasonably
13 foreseeable dangers such as vehicular traffic, counter-protesters, or other law breakers, and
14 the wrongful conduct of Dawit Kelete, Mx. Taylor suffered damages, including but not
15 limited to: pain, trauma, and death.

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23 ¹⁵⁸ <https://www.seattletimes.com/seattle-news/ahead-of-deadly-july-crash-state-patrol-emails-show-debate-and-frustration-over-protest-freeway-closures/> (September 16, 2020).



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5.227 Following the incident, King County Sheriff Detective Mike Brown and other unknown people believed to be in law enforcement publicly mocked the striking and killing of Mx. Taylor because they were a protester.

5.228 Within hours after the incident, Detective Brown publicly posted on social media:



¹⁵⁹ Screenshot from video by Larry Subramanian, Storyful. See also <https://nypost.com/2020/07/05/two-seattle-protesters-hit-by-speeding-car-one-dead-other-in-icu/> (July 5, 2020).

5.229 He then posted a second time: “I see a couple of people got infected with Covid-19 from the hood of a car on I-5 last night.”¹⁶⁰

5.230 Another post on the same account appeared to mock the death of Lorenzo Anderson, who was fatally shot during the Capitol Hill Organized Protest.¹⁶¹

5.231 These statements reflect a callous, jaded, and us-versus-them mentality that is not befitting to members of law enforcement.

5.232 King County Councilmember Girmay Zahilay, who chairs the Law and Justice Committee, stated that Brown’s behavior, which may be shared by others in local law enforcement, highlights the need for a “new public system for law enforcement.”¹⁶²

5.233 The involvement of other officers in the sharing or liking of these posts is currently under investigation.

Zoe Adberg



5.234 Zoe Halia Adberg is 25 years old, was born in Seattle and grew up on Vashon Island. She

¹⁶⁰ <https://www.king5.com/article/news/local/king-county-sheriffs-detective-on-leave-over-facebook-posts-about-seattle-protest/281-2be784cf-8433-4473-b3f9-9b7d26b40865> (July 6, 2020); <https://www.cbsnews.com/news/detective-mike-brown-leave-seattle-protesters-struck-car/> (July 7, 2020).

¹⁶¹ *Id.*

¹⁶² <https://www.king5.com/article/news/local/jay-inslee-king-county-sheriffs-detective-protesters-facebook-post/281-453c58e9-e454-41a6-b7df-696f1b159332> (July 7, 2020).

1 currently works at Trader Joe's in Capitol Hill. Ms. Adberg regularly attended the
2 BLM/George Floyd protests since they began on May 30, 2020.

3 5.235 Ms. Adberg was at all relevant times a peaceful protester. She incorporates by reference
4 paragraph 5.185, *supra*.

5 5.236 On September 7, 2020, Ms. Adberg attended a protest march at the Seattle Police Officers
6 Guild (SPOG) headquarters. She was wearing shorts and wore a backpack that held water
7 and first aid supplies.

8 5.237 When Ms. Adberg and the group of protesters arrived at the headquarters, SPD officers
9 flooded out from behind the building, without issuing warnings, commands, or dispersal
10 orders. The officers began launching gas cannisters and blast balls.

11 5.238 A blast ball struck Ms. Adberg's left foot and then exploded, knocking her back and
12 injuring her foot. Her shoe was scorched from the explosion.

13 5.239 As a direct and proximate result of the explosive device used on her by the City and SPD,
14 Ms. Adberg suffered pain, trauma, and other damages, including but not limited to: a bone
15 bruise, swelling, difficulty wearing shoes and walking requiring use of a cane, disrupted
16 sleep, depression, and PTSD. Ms. Adberg lost wages and was compelled to take disability
17 leave from work because of these harms. Ms. Adberg also suffered infringement upon her
18 constitutional rights.

Sara Anderson



5.240 34-year-old Sara Anderson worked in the pharmaceutical industry for over a decade and moved to Seattle to work on cancer research. Because her job became remote, every day at noon she was able to protest the excessive force police use against Black people.

5.241 Ms. Anderson was at all relevant times a peaceful protester. She incorporates by reference paragraph 5.185, *supra*.

5.242 On June 6, 2020, Ms. Anderson went to Pine and 11th Ave with her boyfriend Wesley Peacock¹⁶³ and friend Kyle Holmes. They distributed food and water to protesters.

5.243 Around 7:30 p.m. police began launching tear gas into Ms. Anderson and her friends. They all sheltered in Ms. Anderson's car, but they could not leave the area because they were surrounded by police and other protesters.

5.244 The police hit her car with the tear gas canisters causing a dent on the right side of her car. As Ms. Anderson waited for the crowd to disperse, the chemicals seeped into her car, exacerbating her asthma.

¹⁶³ Mr. Peacock is also a plaintiff in this matter.



5.245 On July 25, 2020, Ms. Anderson and Mr. Peacock were protesting in Capitol Hill at the Youth Day of Action march to show solidarity with Portland protesters. They were both towards back of the march.

5.246 Around 4:00 p.m., as the march traveled past the East Precinct, the SPD indiscriminately began dropping flash bangs, tear gas canisters, and firing rubber bullets from the rooftop of the building.



5.247 Both Ms. Anderson and Mr. Peacock ran as the projectiles fell and exploded near their heads.

5.248 As a direct and proximate result of the chemical weapons used on her by the City and SPD, Ms. Anderson suffered pain, trauma, and other damages, including but not limited to: intense irritation to her lungs, difficulty breathing, burning and watery eyes, and property damage to her vehicle. Ms. Anderson also suffered infringement upon her constitutional rights.

Megan Buss

5.249 Megan Buss is a 23-year-old who studied baking and pastry arts.

5.250 They support the BLM/George Floyd protest and often went out to pick up trash from Cal Anderson Park after protests.

5.251 Mx. Buss was at all relevant times a peaceful protester. They incorporate by reference paragraph 5.185, *supra*.

1 5.252 On July 25, 2020, around 2:00 p.m. Mx. Buss arrived in Capitol Hill and participated in
2 the march starting at Broadway and Pine Street that went to the youth jail and returned to
3 Capitol Hill.

4 5.253 As the protesters returned to Capitol Hill near the East Precinct, Mx. Buss heard an
5 explosion and looked back to see a large force of police officers, in vehicles and on foot,
6 approaching.

7 5.254 The protesters began to retreat, as the advancing police shot rubber bullets and blast balls,
8 deployed pepper spray, and threw flashbangs.

9 5.255 Mx. Buss attempted to shield their bare arms and legs from the projectiles and pepper spray
10 with an umbrella.

11 5.256 Mx. Buss saw an unmasked blonde female police officer handing out flashbangs to officers.

12 5.257 The female police officer made eye contact and pointed at Mx. Buss.

13 5.258 Mx. Buss was then hit directly with rubber bullets on their right knee, right thigh, and
14 fingers.



23 5.259 As a direct and proximate result of the excessive force and chemical weapons used on them

24 THIRD AMENDED COMPLAINT FOR DAMAGES ON BEHALF OF
BLACK LIVES MATTER PROTESTERS FOR WRONGFUL DEATH,
PERSONAL INJURIES, CIVIL RIGHTS VIOLATIONS, AND PUBLIC
RECORDS ACT VIOLATIONS - 100

STRITMATTER KESSLER KOEHLER MOORE
3600 15th Ave West, Suite 300
Seattle, WA 98119
Tel: 206-448-1777

1 by the City and SPD, Mx. Buss suffered pain, trauma, and other damages, including but
2 not limited to: contusions on their legs, hand damage, inability to relax, memory problems,
3 and other symptoms of PTSD. Mx. Buss missed days of work because of their injuries.
4 Mx. Buss also suffered infringement upon their constitutional rights.

5 **Grace Carmack**



15 5.260 Grace Carmack is a 28-year-old theater professional.

16 5.261 Mx. Carmack was at all relevant times a peaceful protester. They incorporate by reference
17 paragraph 5.185, *supra*.

18 5.262 On the evening of June 2, 2020, Mx. Carmack attended a protest near the Annex Theater
19 in Capitol Hill. They were with a group that was setting up a support station.

20 5.263 At approximately 11:30 p.m., SPD officers began discharging tear gas into the crowd of
21 protesters, including Mx. Carmack. Mx. Carmack helped guide people into the theater.
22 The gas was thick and they were forced to seek shelter inside. Mx. Carmack choked on the
23 gas as it burned their throat, eyes, and skin.

1 5.264 Mx. Carmack experienced weeks of physical reactions that required medical care.



10 5.265 As a direct and proximate result of the chemical weapons used on them by the City and
11 SPD, Mx. Carmack suffered pain, trauma, and other damages, including but not limited to:
12 facial irritation, skin blisters and burning, eyes swelling shut, body aches, menstrual
13 complications, tremors, insomnia, panic attacks, and nightmares. Mx. Carmack also
14 suffered infringement upon their constitutional rights.

15 **Leanna Carr**



23 5.266 Leanna Carr is a 29-year-old Ph.D. candidate of psychophysiology who also works at the

gym she and her fiancé, Plaintiff Ben Koenigsberg, built together in Capitol Hill.

5.267 Ms. Carr and her fiancé have supported the BLM/George Floyd protests, and decided to help the protesters by opening a free hotdog stand to feed protesters.

5.268 Ms. Carr was at all relevant times a peaceful protester. She incorporates by reference paragraph 5.185, *supra*.

5.269 On July 25, 2020, Ms. Carr was with Ben¹⁶⁴ and his brother, Plaintiff Jake Koenigsberg (See Ben's Paragraphs 5.509 – 5.512, which Ms. Carr incorporates by reference). During this incident Ms. Carr turned to flee and felt something brush her leg. She looked down and saw a bright flash of an explosion.



5.270 Her ears were ringing from the explosion. The impact stunned her, rendering her unable to move or speak.

5.271 The explosion ripped a piece of her flesh from her leg.

5.272 As a direct and proximate result of the excessive force and chemical weapons used on her by the City and SPD, Ms. Carr suffered pain, trauma, and other damages, including but not limited to: leg injury, leg swelling, anxiety, insomnia, depression and other symptoms of

¹⁶⁴ Ben's brother Jake is also a plaintiff in this matter, and they have the same last name, so for clarity they are referred to by their first names.

1 PTSD. Ms. Carr missed five weeks of work at the gym and three weeks of working on her
2 Ph.D., forcing her to take an incomplete in her class. Ms. Carr also suffered infringement
3 upon her constitutional rights.

4 **Aisling Cooney**

5 5.273 Aisling Cooney is a 25-year-old graduate student pursuing her master's degree in computer
6 science at the Seattle satellite campus of Northeastern University.

7 5.274 Ms. Cooney has long been an advocate of social justice, and when she learned of the death
8 of George Floyd at the hands of police, she decided to get involved.

9 5.275 Ms. Cooney was at all times a peaceful protester. She incorporates by reference paragraph
10 5.185, *supra*.

11 5.276 On June 7, 2020, Ms. Cooney was sitting on the ground with other peaceful protesters when
12 she noticed police with riot gear and gas masks approaching.

13 5.277 Protesters stood and began to form a makeshift barrier with umbrellas in anticipation of
14 pepper spray deployment by police.

15 5.278 Without any provocation, SPD officers began to "kettle" protesters into separate groups as
16 they discharged blast balls, flash bangs, and pepper spray.

17 5.279 Ms. Cooney began to feel anxious and nauseous, so she attempted to get out of the crowd.
18 She was disoriented by the exploding blast balls or flash bangs.

19 5.280 Three SPD officers shoved her around until one of them pepper sprayed Ms. Cooney
20 directly in the face.

21 5.281 Despite washing the pepper spray off with water, Ms. Cooney felt burning pain as welts
22 and red patches began to form everywhere on her exposed skin due to allergic reaction.

23 5.282 On July 25, 2020, Ms. Cooney was near the reflecting pool in Cal Anderson Park

regrouping when without warning, SPD bike officers charged across the grass towards her.

5.283 Frightened, Ms. Cooney curled up into a ball as an officer grabbed her and dragged her through the park.

5.284 Police lifted her, hit her with a baton, and shoved her, causing her to fall back to the ground.

5.285 At one point, an officer since identified as Officer Roxanne Zeck grabbed Ms. Cooney and threw her to the ground, while four officers, including Officer Zeck, tackled her.

5.286 Ms. Cooney was handcuffed and told that she was being arrested.

5.287 Officer Zeck tore off Ms. Cooney mask and goggles, cut off Ms. Cooney's backpack and searched it, and threw her phone to the ground.

5.288 Ms. Cooney still could not move and was gripped by a severe panic attack. She screamed for help.

5.289 Ms. Cooney was kept in handcuffs for approximately 5 hours, which caused her hands and wrists to swell.

5.290 She told at least three different officers that her handcuffs were too tight, yet nothing was done.





5.291 Upon arrival at King County Jail, Ms. Cooney was kept in a holding cell all night with nine other people.

5.292 There was barely room to move around.

5.293 The room had no beds and no source of safe drinking water.

5.294 She was given nothing to eat or drink until nearly twelve hours after her arrest.

5.295 Ms. Cooney was then transported to SCORE where she was later released.

5.296 Following her release and the recovery of her property, Ms. Cooney realized that her phone had been accessed and tampered with. Photographic and video files she had captured of police during the protests had been corrupted and were no longer viewable.

5.297 Prosecutors declined to file any charges.

5.298 As a direct and proximate result of the City and SPD's excessive force and use of chemical irritants, her unlawful arrest, and her unlawful treatment at the King County Jail, Ms. Cooney suffered pain, trauma, and other damages, including but not limited to: an allergic reaction, welts, blistered skin, bruises to her arms and legs, abrasions on her knees and wrists, neuropathy in her left thumb, possible neuropathy in her shoulders, missed time

1 from work, an academic leave of absence, anxiety, adrenaline rushes, panic attacks,
2 unlawful detainment, and the effects of being accused of a crime she did not commit,
3 including but not limited to injury to reputation. Ms. Cooney also suffered infringement
4 upon her constitutional rights.

5 **Abie Ekenezar**



14 5.299 Abie Ekenezar is a 41-year-old Black U.S. Army veteran who completed tours of duty in
15 Afghanistan and Somalia. She currently works in Seattle's film industry as an actor,
16 screenwriter, and producer.

17 5.300 Despite her preexisting medical conditions of asthma, PTSD and a spinal disability caused
18 by years of serving in the armed forces, Ms. Ekenezar regularly participated in the
19 BLM/George Floyd protests. When protesting she required a scooter to assist with
20 mobility due to her spinal disability.

21 5.301 Ms. Ekenezar was at all relevant times a peaceful protester. She incorporates by reference
22 paragraph 5.185, *supra*.

23 5.302 On May 30, 2020, around noon, Ms. Ekenezar met with friends to participate in the protests

1 in downtown Seattle at Westlake Center around 5th and Pine.

2 5.303 Upon arrival they saw protesters running and fleeing from SPD tear gas and flash bangs,
3 and witnessed SPD officers pepper spraying a young girl.

4 5.304 Ms. Ekenezar and her group stayed what they thought was a safe distance away from the
5 police. Still, SPD's heavy use of tear gas and flash bang grenades stung Ms. Ekenezar's
6 eyes and triggered her asthma and PTSD.

7 5.305 On June 6, 2020, around noon, Ms. Ekenezar and her friends protested in Capitol Hill near
8 Cal Anderson Park. There they joined a nurses' march in support of BLM that traveled to
9 South Lake Union.

10 5.306 After the nurses' march, they arrived back near Cal Anderson Park around 4 or 4:30pm,
11 but away from the police barricades on 11th Avenue and Pine Street.

12 5.307 At 5:30 pm and without warning, SPD began indiscriminately using tear gas, rubber
13 bullets, and blast balls. This occurred just one day after Mayor Durkan's order for an
14 immediate 30-day moratorium on the use of tear gas at any protests.

15 5.308 Despite Ms. Ekenezar's distance from the barricade, the chemical agents used by SPD
16 triggered her asthma, causing a severe cough that lasted throughout the following day.
17 Deployment of SPD's weapons made Ms. Ekenezar feel like she was back in Afghanistan
18 again. She fled on her scooter, exacerbating her spinal pain.

19 5.309 On July 3, 2020, around 8:30 p.m., Ms. Ekenezar began video recording the protests in
20 Capitol Hill at a police barricade on the corner of Broadway and Pine Street. At 9:30 pm
21 she saw the police shoot two blast balls into the crowd of protesters. In fear, Ms. Ekenezar
22 packed her belongings and left the protest.

23 5.310 Ms. Ekenezar no longer feels safe going to protests where the police are present.

1 5.311 As a direct and proximate result of the weapons used on her by the City and SPD, Ms.
2 Ekenezar's suffered pain, trauma, and other damages, including but not limited to:
3 bronchial spasms, intense irritation to her lungs, difficulty breathing, PTSD, and sleep
4 deprivation. Ms. Ekenezar also suffered infringement upon her constitutional rights.

5 **Edward "Ned" Farmer**



15 5.312 Ned Farmer is a 55-year-old who runs the after-hours crisis program at Navos Mental
16 Health Solutions, and is an amateur photographer. Since the pandemic started Ned has
17 documented the lives of Seattle residents. And after George Floyd's murder, he began to
18 participate in and photograph the BLM protests.

19 5.313 Mr. Farmer was at all relevant times a peaceful protester. He incorporates by reference
20 paragraph 5.185, *supra*.

21 5.314 As Mr. Farmer walked from his apartment to the East Precinct around midnight on June 8,
22 2020, he could smell the tear gas and hear flash bangs and munition cannisters exploding.
23 As he arrived, Mr. Farmer saw around 50 officers lined up on 11th & Pine and took a

couple of photos.

5.315 Around 12:55 a.m., Mr. Farmer continued to document the demonstration while walking on the south side of the sidewalk near Rancho Bravo. Without warning, as he stood about 50 feet from the nearest policeman, an officer launched a blast ball at him.

5.316 The device exploded at Mr. Farmer's feet, knocking him to the ground where he lost consciousness.

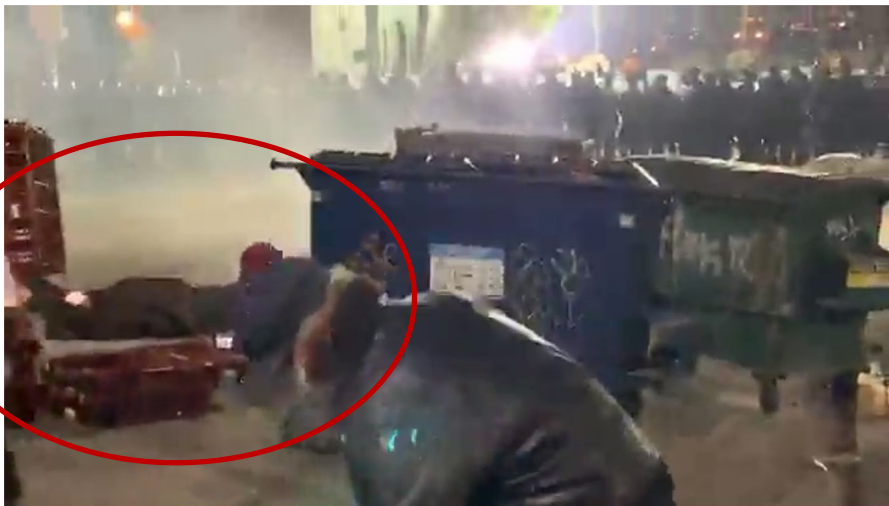


Photo of protesters dragging Ned away after he was knocked unconscious by a blast ball

5.317 Two protesters nearby came to his aid—gathering his belongings and taking him to the volunteer medic tent.

5.318 The volunteer medic, a doctor from Children's Hospital, determined Mr. Farmer needed emergency medical attention and accompanied him to Harborview Medical Center.

5.319 As a direct and proximate result of the explosive device used on him by the City and SPD, Mr. Farmer suffered pain, trauma, and other damages, including but not limited to: loss of consciousness, temporary loss of hearing, lost wages, and property damage to his camera. Mr. Farmer also suffered infringement upon his constitutional rights.

Nima Forghani



5.320 Nima Forghani is a 37-year-old Iranian-American engineer, photographer, and ceramicist. He works for Boeing as a Brake System Engineer. Mr. Forghani participated in the BLM/George Floyd protests in Capitol Hill from June 2, 2020, to June 8, 2020.

5.321 Mr. Forghani was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.322 On June 6, 2020, Mr. Forghani was at the front of a protest, squeezed up against the riot shields of the National Guard, when he had flashbacks to the trauma of his experience growing up in Iran, specifically the military in the streets and the oppression of protesters at the hands of police.

5.323 On June 7, 2020, Mr. Forghani witnessed the shooting of Daniel Gregory. Mr. Forghani helped stop the shooter's car by placing a metal barricade in front of the vehicle. Mr. Forghani was badly shaken by the experience and troubled by the lack of response by SPD officers present at the scene.

5.324 At approximately 11:40 p.m. that night, Mr. Forghani was twenty yards away from the

1 western barricade near 12th Avenue and Olive Way when he saw an arc of OC spray
2 originating from an area near the generators powering the police light poles. Protesters
3 rushed towards the 11th Avenue intersection. Mr. Forghani began to back away from the
4 barricade near the corner of 11th Avenue and Pine Street, when a blast ball struck him in
5 his left shoulder, and shrapnel struck him in the neck.



17 5.325 As a direct and proximate result of the explosive device used on him by the City and SPD,
18 Mr. Forghani suffered pain, trauma, and other damages, including but not limited to:
19 contusion/abrasion to his neck with bleeding, hearing loss, and PTSD. Mr. Forghani also
20 suffered infringement upon his constitutional rights.

Noah Fowler



5.326 Noah Fowler is a 24-year-old artist whose passion is music. They have played in many bands and also work as a production assistant.

5.327 Mx. Fowler was at all relevant times a peaceful protester. They incorporate by reference paragraph 5.185, *supra*.

5.328 On August 16, 2020, at approximately 10 p.m., Mx. Fowler was protesting at SPOG headquarters on 4th Avenue South and Lander Street. The police told protesters that they had four minutes to evacuate. They were directed down an alleyway.

5.329 As Mx. Fowler backed up, the police charged forward. Someone tripped behind Mx. Fowler as they were backing up, causing Mx. Fowler to trip and fall to the ground. Mx. Fowler was arrested before they could stand up.

5.330 Mx. Fowler was cuffed while on the ground. Once Mx. Fowler was handcuffed, the police tore off their gas mask and kicked away their helmet that had fallen off their head.

1 5.331 Mx. Fowler was on the ground for approximately five minutes, and then waited about thirty
2 minutes on the curb before being transported to the West Precinct at approximately 11:00
3 p.m.

4 5.332 Mx. Fowler was handcuffed differently than other people. Their hands were tight together
5 behind their back, with the backs of their hands pressed together.



15 5.333 Mx. Fowler was held for two hours, handcuffed, in pain. They informed officers that their
16 arms hurt, but nothing was done.

17 5.334 When Mx. Fowler was transported to the county jail and uncuffed, they realized they could
18 not bend or raise their left arm.

19 5.335 When Mx. Fowler reported the injury to the jail nurse, the nurse did not examine Mx.
20 Fowler's arm and failed to detect what medical providers later found: that Mx. Fowler's
21 arm was broken.

22 5.336 On August 17, 2020, Mx. Fowler was released at approximately 10:30 p.m. They sought
23 medical treatment at Zoom Care the following morning. X-rays revealed a radial head

fracture at Mx. Fowler's left elbow.

5.337 Mx. Fowler's arresting charge was failure to disperse. Prosecutors declined to file any charges.

5.338 As a direct and proximate result of the excessive force used on them by the City and SPD, the unlawful arrest, and the unlawful treatment at the King County Jail, Mx. Fowler suffered pain, trauma, and other damages, including but not limited to: delayed medical treatment, exacerbation of a radial head elbow fracture, pain, anxiety, depression, other symptoms of PTSD, unlawful detainment, and the effects of being accused of a crime they did not commit, including but not limited to injury to reputation. Mx. Fowler also suffered infringement upon their constitutional rights.

Zachary Gardner



5.339 Zachary Gardner is 38 years old, from a mixed-race family, and is attuned to issues of race and racism. He moved to Seattle in 2008, holds a certification as a personal trainer and is the fitness manager of the downtown 24-Hour Fitness.

5.340 When he learned of the death of George Floyd, Mr. Gardner felt he had a responsibility to

1 protest the injustice that caused it, often attending as many as five events per week.

2 5.341 Mr. Gardner was at all relevant times a peaceful protester. He incorporates by reference
3 paragraph 5.185, *supra*.

4 5.342 On May 30, 2020, around 3:30 pm, Mr. Gardner was attending the BLM/George Floyd
5 protest in downtown Seattle when he was suddenly and without provocation exposed to
6 tear gas used by the SPD.

7 5.343 On July 25, 2020, around 7 pm, Mr. Gardner was attending a protest near the intersection
8 of 11th Avenue and Pine Street. Like many protesters, Mr. Gardner wanted to have
9 conversations with the officers, though most of the officers would not reciprocate. During
10 one such interaction, another officer about six feet away raised and fired a weapon at him
11 – presumably a rubber bullet/baton round – striking Mr. Gardner in the abdomen. The
12 projectile injured both his torso and his right arm.



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20 5.344 As a direct and proximate result of the projectile used on him by the City and SPD, Mr.
21 Gardner suffered pain, trauma, and other damages, including but not limited to: laceration
22 on his ribcage, lacerations and contusions on his right arm, tissue damage, scarring, tingling
23 sensations, restricted range of motion, disrupted sleep, difficulty concentrating, depression,

1 and other symptoms of PTSD. Mr. Gardner also suffered infringement upon his
2 constitutional rights.

3 **Ian Golash**



11 5.345 Ian Golash is a 48-year-old schoolteacher. He has been a teacher at Chief Sealth High
12 School for the past ten years. He is a member of Social Equity Educators and has been
13 involved with the Black Lives Matter at School initiative since its inception. He has
14 attempted to protest almost every day since the beginning of the BLM/George Floyd
15 protests.

16 5.346 Mr. Golash was at all relevant times a peaceful protester. He incorporates by reference
17 paragraph 5.185, *supra*.

18 5.347 On July 25, 2020 starting around 12-1 pm, Mr. Golash attended a protest on Pine Street
19 between 11th and 12th Avenue with his girlfriend, his 19-year-old daughter, and his 17-
20 year-old son.

21 5.348 Around 4:30 pm, while attempting to gather his family so they could go home, Mr. Golash
22 heard explosions, and police came charging out of the East Precinct. SPD officers began
23 launching blast balls and firing rubber bullets indiscriminately into the crowd, with no

1 warning or provocation. During the confusion, Mr. Golash was separated from his
2 girlfriend and daughter. Mr. Golash attempted to use a sandwich board from a nearby
3 hotdog stand as a shield to protect protesters from the constant barrage.

4 5.349 Without warning or justification, an officer came through the police line and fired rubber
5 bullets at Mr. Golash, hitting him repeatedly as he ran from the officer – once in the hip,
6 and once in the right leg, breaking the skin.

7 5.350 After reuniting with his family members, Mr. Golash sought treatment at the Swedish
8 Emergency Room. He was diagnosed with an open ulnar fracture and underwent surgery
9 to put three pieces of bone back into place.



19 5.351 As a direct and proximate result of the projectiles used on him by the City and SPD, Mr.
20 Golash suffered pain, trauma, and other damages, including but not limited to: laceration
21 on his right calf, ulnar fracture of his dominant right arm requiring surgery, scarring,
22 disability, pain, and anxiety. Mr. Golash also suffered infringement upon his constitutional
23 rights.

Grace Gregson



5.352 Grace Gregson is a 23-year-old preschool teacher who has always been concerned about police brutality. When Ms. Gregson learned about George Floyd, she felt compelled to attend a BLM protest.

5.353 Grace Gregson was at all relevant times a peaceful protester. She incorporates by reference paragraph 5.185, *supra*.

5.354 On May 30, 2020, Ms. Gregson joined several friends on Capitol Hill to attend a Not This Time anti-police brutality/Black Lives Matter protest. They walked downhill on East Pine Street, and eventually joined a group at Westlake Park on 5th Avenue and Pine St., where they stood listening to speakers.

5.355 At approximately 4:45 p.m., many people received notification on their phones that Mayor Durkan had sent out a curfew order.

5.356 The curfew was set to begin at 5:00 p.m. There was not enough time for Ms. Gregson and her friends to get back to their cars, and transit was shut down, which trapped them outside after curfew.

5.357 At 5:00 p.m. SPD and national guard troops started pushing people away from Westlake

1 Park.

2 5.358 Ms. Gregson lost track of all her friends but one while the crowds were being pushed north
3 on 6th Avenue.

4 5.359 Ms. Gregson was shoved backwards by an officer and pepper sprayed in the face by
5 another. The pepper spray fogged her goggles and her eyes stung and teared up. She
6 couldn't see.

7 5.360 Disoriented, Ms. Gregson raised her hands in front of her. She was then thrown to the
8 ground while multiple officers piled on top of her. Officers kneeled on her back and limbs.

9 5.361 The police tore off Ms. Gregson's goggles and mask and an officer rubbed pepper spray in
10 her eyes and mouth.

11 5.362 Ms. Gregson was placed in a police vehicle and transported to the West Precinct. She was
12 briefly given a damp paper towel to wipe her face but was unable to properly wash and
13 pepper spray residue remained on her face.

14 5.363 About an hour later, Ms. Gregson was taken to the King County Jail.

15 5.364 Upon arrival, Ms. Gregson was taken to a small, curtained booth where a guard held open
16 the curtain and ordered Ms. Gregson to remove all her clothes and bend over.

17 5.365 Around midnight, Ms. Gregson was taken in shackles from King County Jail to the Kent
18 Regional Justice Center.

19 5.366 She was not told anything about where she was being taken or why, and no one had told
20 her what she had been arrested for or what she was being charged with.

21 5.367 She was not told she was being held for assault until Sunday, May 31, in the afternoon.

22 5.368 At the Kent Regional Justice Center, Ms. Gregson was never given a change of underwear
23 or socks.

1 5.369 She was never treated for her injuries, including burns on her face from chemical exposure.

2 5.370 She spent 22.5 hours a day alone in a cell.

3 5.371 By Sunday, she was experiencing increasing pain in her neck, and in her ribcage where
4 police officers had piled on top of her.

5 5.372 Ms. Gregson is gluten intolerant and could not eat the peanut butter sandwich given to her
6 at the Seattle jail. She told the guards at Kent RJC that she couldn't eat gluten. A guard
7 discouraged her from filling out a 'kite' to request gluten-free meals, saying "Don't fill out
8 a kite, it'll take too long to process and you'll be gone anyway." Gracie was held for
9 approximately 67 hours. During that time, the only food she was given that she could eat
10 was raw carrots and packets of peanut butter.

11 5.373 During her time at the Kent Regional Justice Center, Ms. Gregson observed guards
12 specifically following protesters around, saying that they are dangerous and that "They've
13 looted five Walmarts already!" Guards made a point of telling Ms. Gregson and others held
14 on protest-related charges things like "You don't know what you're talking about, there is
15 no systemic racism."

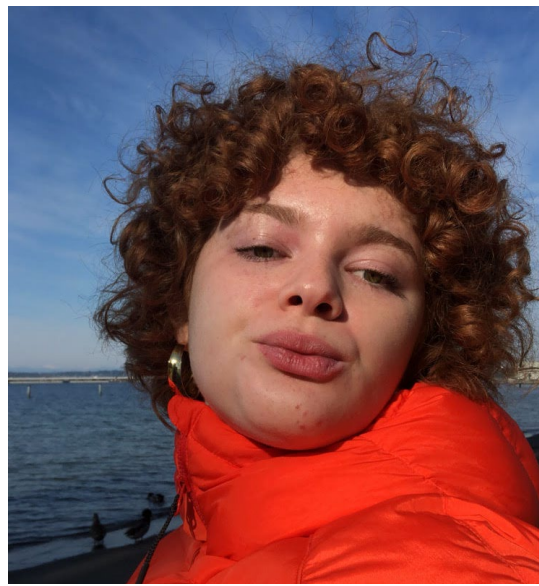
16 5.374 On Tuesday, June 2, Ms. Gregson was bonded out by her mother and released around 1:30
17 pm. The jail staff member processing Ms. Gregson for release told her, "If it was up to me,
18 you wouldn't be released. You're destroying our country."

19 5.375 During her 67 hours of confinement, Ms. Gregson was never taken before a judge. She was
20 held without charge, without arraignment, and without ever being taken to court.

21 5.376 Despite never being arraigned or appearing in court on any charges, the prosecution made
22 its own motion to dismiss the "charge" with prejudice for "proof problems." That motion
23 was granted.

1 5.377 As a direct and proximate result of the excessive force and chemical weapons used on her
2 by the City and SPD, her unlawful arrest, and her unlawful treatment at the King County
3 Jail and Kent Regional Justice Center, Ms. Gregson suffered pain, trauma, and other
4 damages, including but not limited to: neck strain, rib pain, disruption of her menstrual
5 cycle, anxiety, insomnia, humiliation, depression, other symptoms of PTSD, unlawful
6 detainment, and the effects of being accused of a crime she did not commit, including but
7 not limited to injury to reputation. Ms. Gregson also suffered infringement upon her
8 constitutional rights.

9 **Miranda Hardy**



18 5.378 Miranda Hardy is a 23-year-old Seattle native. She grew up in Magnolia and Ballard and
19 worked as a web development and social media consultant before the pandemic.

20 5.379 She has been involved in the George Floyd protests since day 1 of the protests because she
21 wanted to be a part of change.

22 5.380 Ms. Hardy was at all relevant times a peaceful protester. She incorporates by reference
23 paragraph 5.185, *supra*.

1 5.381 On July 25, 2020, in the early afternoon around 1:00 p.m. Ms. Hardy and her housemate
2 went to Capitol Hill to protest near Broadway and Madison. The protest eventually moved
3 to the East Precinct at 12th Ave and East Pine Street.

4 5.382 As the group of protesters approached the precinct, the police broke the march into two
5 smaller groups separating them with tear gas and flash bangs.

6 5.383 Ms. Hardy was part of the smaller group of about 50 people headed west on Pine Street.

7 5.384 The police formed a line at 11th and Pine and began pushing people in the smaller group,
8 while using rubber bullets, flashbangs and pepper spray. The small group began to disperse
9 until only about 10 protesters remained, all small women, including Ms. Hardy.

10 5.385 The police then backed up slowly as Ms. Hardy and other protesters stepped forward. The
11 protesters were not violent.

12 5.386 Suddenly the police rushed forward, shooting Ms. Hardy from approximately ten feet away
13 with rubber bullets that tore through her pants, injuring her knee.

14 5.387 Moments later a flashbang detonated near her right foot and shrapnel hit her right toe.

15 5.388 Ms. Hardy could not walk on her injured foot so her friends had to carry her to a car so she
16 could leave.

17 5.389 As a direct and proximate result of the excessive force and chemical weapons used on her
18 by the City and SPD, Ms. Hardy suffered pain, trauma, and other damages, including but
19 not limited to: knee lacerations, knee pain, leg swelling, toe bruising, incapacitation, panic
20 attacks and other symptoms of PTSD. Ms. Hardy also suffered infringement upon her
21 constitutional rights.

Lexus Hartley



5.390 Lexus Hartley is a 26-year-old healthcare worker who handles outreach and education for a national eating disorder company. Ms. Hartley attended many Black Lives Matter protests throughout Seattle with her partner Andre Lavrentyev.

5.391 Ms. Hartley was at all relevant times a peaceful protester. She incorporates by reference paragraph 5.185, *supra*.

5.392 On June 7, 2020, around 11:30 p.m., Ms. Hartley arrived at Capitol Hill and walked near Cal Anderson Park to the intersection of 11th Avenue and East Pine Street, where she and Mr. Lavrentyev encountered a wall of police officers.

5.393 Ms. Hartley was about 100 feet from the police line when without warning SPD began launching explosives including tear gas and blast balls into the crowds.

5.394 Ms. Hartley attempted to back away from the area, when one of the many blast balls exploded on Ms. Hartley's pelvic region – melting the jeans she was wearing and causing flesh wounds and heavy bruising.



5.395 As a direct and proximate result of the explosive and chemical weapons used on her by the City and SPD, Ms. Hartley suffered pain, trauma, and other damages, including but not limited to: contusion, scarring, and decreased mobility. Ms. Hartley also suffered infringement upon her constitutional rights.

Clayton Hollobaugh



5.396 Clayton Hollobaugh is a 21-year-old Seattle native. They plan to study web and graphic design at Seattle Central College.

5.397 The death of George Floyd struck a chord with Mx. Hollobaugh, and they attended

1 BLM/George Floyd protests two or three times a week to speak out against police brutality.

2 5.398 Mx. Hollobaugh was at all relevant times a peaceful protester. They incorporate by
3 reference paragraph 5.185, *supra*.

4 5.399 On July 25, 2020, Mx. Hollobaugh was participating in a protest near 11th Avenue and Pine
5 Street. Between 5 – 5:30 p.m., they were tightly squeezed into a crowd of people being
6 pushed backwards by SPD officers who were using blast balls, pepper spray, and rubber
7 bullets against them. Mx. Hollobaugh couldn't move because SPD officers had pressed
8 the group together so tightly.

9 5.400 Suddenly, an SPD officer directed a long stream of OC spray at Mx. Hollobaugh's face.
10 Before they could recover they were hit with the shockwave of an explosive device that
11 went off directly behind them. Yet another device struck them in the shoulder less than an
12 arm's length away from his head.



1 5.401 As a direct and proximate result of the chemical weapons and explosive devices used on
2 them by the City and SPD, Mx. Hollobaugh suffered pain, trauma, and other damages,
3 including but not limited to: injury to their lungs and sinuses, laceration on their right
4 shoulder, bruise and laceration on their left buttock, hearing damage, recurring tinnitus,
5 sleep disruptions, sensitivity to sounds, and stress. Mx. Hollobaugh also suffered
6 infringement upon their constitutional rights.

7 **Bryauna “Malichi” Howe**



16 5.402 On May 30, 2020, Malichi Howe, a 17-year-old high school student, went to downtown
17 Seattle with their brother Ashton and brother-in-law Thomas, to protest the killing of
18 George Floyd and support the Black Lives Matter movement. They arrived at Westlake
19 Center around 1pm, where they listened to speakers and marched around downtown.

20 5.403 Mx. Howe was at all relevant times a peaceful protester. They incorporate by reference
21 paragraph 5.185, *supra*.

22 5.404 Around 4 or 5pm, the crowd they were part of was stopped by a police blockade. Mx. Howe
23 and the group knelt, with their hands up, chanting “hands up, don’t shoot.”

1 5.405 Suddenly, one of the officers ripped someone's umbrella from their hands, after which the
2 officers began throwing tear gas into the crowd.

3 5.406 The protesters, including Mx. Howe, attempted to flee the area. Mx. Howe became
4 separated from their family members. They were anxious, fearful, and began to panic.

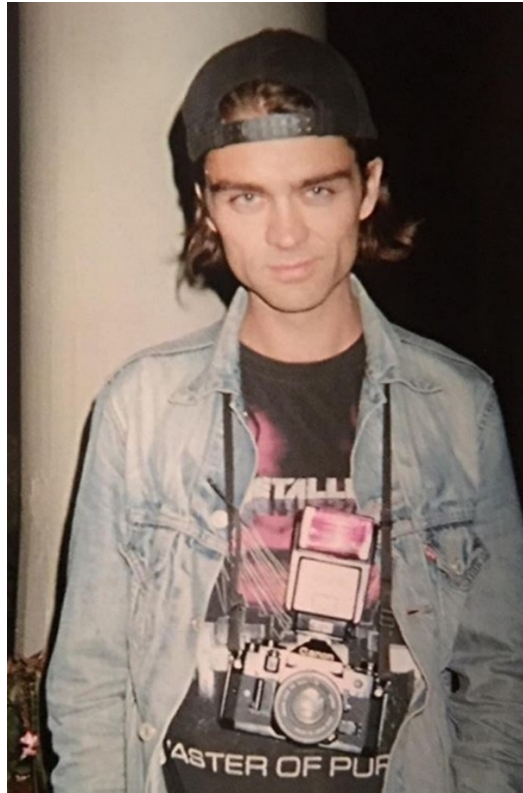
5 5.407 Suddenly, while Mx. Howe was running to put distance between themselves and the police,
6 an officer threw an explosive device, striking Mx. Howe in the hand. Mx. Howe felt
7 immediate pain but could not stop to see what happened, as officers were swiftly and
8 forcefully advancing, corralling the crowd out of Westlake Center.

9 5.408 As the police advanced, an SPD bike officer forcefully shoved Mx. Howe, causing them
10 additional trauma.



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20 5.409 As a direct and proximate result of the explosive device used on them by the City and SPD,
21 Mx. Howe suffered pain, trauma, and other damages, including but not limited to: a
22 partially amputated thumb and shattering of the bones of their forefinger. Mx. Howe also
23 suffered infringement upon their constitutional rights.

Jesse Hughey



5.410 Jesse Hughey is a 34-year-old musician who went to Capitol Hill with his brother, Ben Hughey, to protest in support of the Black Lives Matter movement.

5.411 Mr. Hughey was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.412 On June 7, 2020, Mr. Hughey was peacefully protesting at the intersection of 11th and Pine on Capitol Hill, when multiple explosives fired by the SPD discharged in his immediate vicinity. His bicycle was hit, and so was he, receiving two abrasions to his legs. Mr. Hughey attempted to take cover in an alcove as police officers shot more explosives at him.



5.413 On the evening of July 1st, around 11 p.m., Mr. Hughey and his brother rode their bikes to the BLM protests in Capitol Hill to the intersection of Broadway and Pine.

5.414 There was a line of riot police, standing just behind the white edge of a rainbow sidewalk, facing off with protesters.

5.415 The officers instructed the protesters to stay on the opposite side of the white edge of the sidewalk, and Mr. Hughey complied.

5.416 Suddenly, around 12:30am, a line of riot police rushed over the white line at the protesters, into the portion of the crosswalk where the protesters had been standing at the police's instruction.

5.417 Multiple officers tackled Mr. Hughey, pinned him to the ground, and punched him.

5.418 While the officers were on top of Mr. Hughey, he heard his bicycle helmet crack and the weight of the officers pinning him made it difficult for him to breathe.



5.419 The officers finally pulled him to his feet after he exclaimed “I can’t breathe.”

5.420 Mr. Hughey was arrested and told he “hit an officer” with his bike and “resisted arrest.”

Mr. Hughey was booked and held for about 18 hours.

5.421 Mr. Hughey arresting charge was third degree assault and failure to disperse.

5.422 Prosecutors declined to file any charges.

5.423 On the evening of March 13, 2021, Mr. Hughey attended a march in Capitol Hill commemorating the one-year anniversary of when Breonna Taylor, a Black woman, was fatally shot by police in her home in Louisville, KY.

5.424 While he was complying with the SPD’s orders to get out of the street at or around 4th Avenue and Olive Way, the SPD pepper sprayed him directly in the eye, blinding and incapacitating him. He could not see for at least 10 minutes and had significant difficulty breathing. His eyes and lungs are still irritated today.

5.425 As a direct and proximate result of the explosive devices and violent physical force used on him by the City and SPD, and his unlawful arrest and prosecution, Mr. Hughey suffered

1 pain, trauma, and other damages, including but not limited to: bruised and swollen hip,
2 bruised/sprained right thumb, acute pain to his right ribcage, cuts and bruises over his entire
3 body, at least one fractured rib, temporary blindness, difficulty breathing, eye and lung
4 irritation, unlawful detainment, and the effects of being accused of a crime he did not
5 commit, including but not limited to injury to reputation. Mr. Hughey also suffered
6 infringement upon his constitutional rights.

7 **Aubreanna Inda**



15 5.426 Aubreanna Inda is a 26-year-old student currently finishing up her bachelor's degree in
16 Criminal Justice. She moved to Seattle with the goal of attending the University of
17 Washington School of Law.

18 5.427 Ms. Inda wants to be a defense attorney to protect the rights of the accused. Ms. Inda
19 participated in the BLM/George Floyd protests nearly every day between May 31 and June
20 7, to protest police brutality.

21 5.428 Ms. Inda was at all relevant times a peaceful protester. She incorporates by reference
22 paragraph 5.185, *supra*.

23 5.429 On May 30 or 31, 2020, Ms. Inda attended a protest at Westlake Park in downtown Seattle,

1 where she was exposed to chemical irritants discharged by law enforcement.

2 5.430 Later that day when she was near Pike Place Market, an SPD officer discharged OC spray
3 at her face without issuing a warning. The OC spray caused Ms. Inda pain and
4 disorientation.

5 5.431 On June 7, 2020, Ms. Inda was participating in a protest near 11th Avenue and Pine Street.
6 This was the same protest attended by Plaintiff Joseph Wieser (see paragraphs 5.914 –
7 5.918).

8 5.432 After SPD officers dispersed protesters from the immediate vicinity of the East Precinct
9 shortly after midnight, they formed a phalanx of dozens of officers on the east side of the
10 intersection of 11th Avenue and Pine Street.

11 5.433 Ms. Inda and a few other protesters stood in the intersection a fair distance from the SPD
12 officers. One of those protesters held flowers, while another knelt on the ground.

13 5.434 As Ms. Inda began to kneel and put her arms in the air, an SPD officer launched an
14 incendiary projectile that exploded on her chest with a burst of flames, while another
15 exploded at her feet.



1 5.435 Ms. Inda was instantly immobilized and fell to the ground. She hyperventilated and lost
2 consciousness. Not a single SPD officer rendered aid.

3 5.436 Protesters and volunteer medics rushed Ms. Inda to the emergency room, where she went
4 into cardiac arrest three times over the course of the night.

5 5.437 As a direct and proximate result of the chemical weapons and explosive devices used on
6 her by the City and SPD, Ms. Inda suffered pain, trauma, and other damages, including but
7 not limited to: difficulty breathing, throat and muscle soreness, chest pains, vertigo, fatigue,
8 sensitivity to sound, potentially on-going heart complications, and residual symptoms of
9 trauma. Ms. Inda also suffered infringement upon her constitutional rights.

10 5.438 On investigation, the OPA found that the deployment of the blast ball that injured Ms. Inda
11 violated SPD policy and training (see Paragraph 5.156.6).

12 5.439 In the very early morning of July 1, 2020, Ms. Inda was attending protests in the area of
13 Capitol Hill known as “CHOP.” Ms. Inda did not hear dispersal orders from police, nor
14 did she hear warnings about imminent use of force. Ms. Inda was arrested by officers clad
15 in riot gear. Ms. Inda was frightened and confused, and she had no idea why she was being
16 arrested.

17 5.440 When Ms. Inda’s attorney arrived at the West Precinct, an unidentified SPD officer refused
18 the attorney entry into the building, telling the attorney to “wait there” (outside), but
19 nobody came to let the attorney in.

20 5.441 The SPD allowed Ms. Inda to be questioned by officers of the Federal Bureau of
21 Investigation. At no time during the interview was Ms. Inda allowed to speak with her
22 attorney despite her multiple requests.

23 5.442 As a direct and proximate result of SPD’s arrest of Ms. Inda and SPD’s refusal to grant

Ms. Inda access to her attorney, Ms. Inda suffered pain, trauma, and other damages, including but not limited to: depression, anxiety, unlawful detainment, and the effects of being accused of a crime she did not commit, including but not limited to injury to reputation. Ms. Inda also suffered infringement upon her constitutional rights.

Mary “MJ” Jurgensen



5.443 Mary “MJ” Jurgensen is a 32-year-old who works at the Three Dragons Academy, a special arts program providing arts-focused education for homeschooling students. She has participated in multiple protests since the murder of George Floyd.

5.444 Ms. Jurgensen was at all relevant times a peaceful protester. She incorporates by reference paragraph 5.185, *supra*.

5.445 On June 2, 2020, Ms. Jurgensen was with a group of protesters chanting in Capitol Hill, when SPD officers began firing tear gas and blast balls into the crowd. Ms. Jurgensen’s eyes and lungs burned as she fled across Cal Anderson Park seeking safety.

5.446 On June 7, 2020, Ms. Jurgensen was protesting at 11th Avenue and Pine Street when an

SPD officer advanced on her and kicked at her chest, hitting a plywood sign she was holding, causing the sign to swing against her legs and severely bruise her shin.

5.447 An SPD officer then fired an explosive device that hit her in the thigh. The blast ripped holes in her pants and caused a contusion on her leg.



5.448 As a direct and proximate result of the chemical weapons, explosive devices, and violent physical force used on her by the City and SPD, Ms. Jurgensen suffered pain, trauma, and other damages, including but not limited to: burning of her eyes and lungs, bruising on her shin, contusion on her thigh, and PTSD. Ms. Jurgensen also suffered infringement upon her constitutional rights.

Timothy “Tim” Kauchak



5.449 Timothy “Tim” Kauchak is a former police officer who moved to Seattle in 2015. He left the force in 2008 after concerns of overbearing police tactics that fracture community trust and lead to more harm.

5.450 Mr. Kauchak was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.451 On June 2, 2020, Mr. Kauchak arrived in the Capitol Hill area near 11th and Pine at approximately 9 p.m. with two friends and began livestreaming.

5.452 Less than 10 minutes after he arrived, and without warning, police began launching flash bang grenades and tear gas into the crowd of protesters.

5.453 The tear gas burned his eyes and irritated his lungs.

5.454 As he continued to livestream, standing roughly 50 yards away from the police, Mr. Kauchak was suddenly and unexpectedly struck in the back of the left knee by a flash bang grenade.

5.455 He limped away from the police in severe pain and onto the sidewalk.

1 5.456 A few minutes later, police became advancing on protesters. Mr. Kauchak stayed on the
2 sidewalk, backing up from their advances with his injured leg.

3 5.457 While backing up, an officer suddenly rushed at him with a baton yelling at him to “move
4 back” seconds before shoving him. Mr. Kauchak responded, “I am!”

5 5.458 The officer shoved Mr. Kauchak three more times, forcing him into the bushes.

6 5.459 Mr. Kauchak suffered a laceration to the back of his knee, the removal of a piece of his
7 skin from the flash bang, and bruising. The sound of fireworks now throw Mr. Kauchak
8 into a panic.



17 5.460 Mr. Kauchak no longer feels safe attending protests after this incident.

18 5.461 As a direct and proximate result of the excessive force, explosive and chemical weapons used
19 on him by the City and SPD, Mr. Kauchak suffered pain, trauma, and other damages, including
20 but not limited to: lacerations, abrasions, bruising, difficulty walking, panic attacks, and other
21 symptoms of PTSD. Mr. Kauchak also suffered infringement upon his constitutional rights.

John “Jack” W. Kelliher



5.462 On May 31, 2020, 23-year-old John W. Kelliher (“Jack”), a recent college grad and business program manager at a large tech company, joined the BLM/George Floyd protests in downtown Seattle and later in Capitol Hill.

5.463 Mr. Kelliher was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.464 Around 4:30 pm, as Mr. Kelliher was walking on a crowded Capitol Hill sidewalk with other protesters, a line of SPD officers on bicycles approached from behind.

5.465 The pedestrians had the right-of-way on the sidewalk.

5.466 As the officers began to pass, one attempted to pass Mr. Kelliher on his right side where there was very little room to pass.

5.467 Most of Boren Ave was vacant while the sidewalks were crowded with protesters.

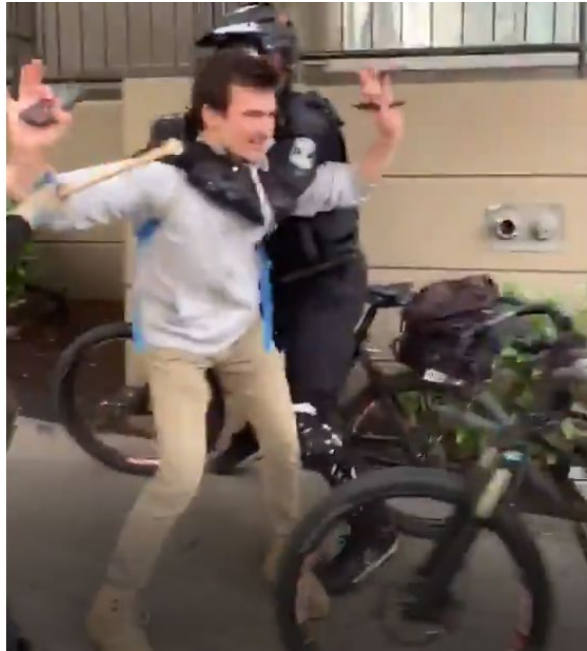
5.468 The first officer in the line got off his bike and walked it past Mr. Kelliher on his right.

5.469 The second officer chose to remain on his bike and tapped Mr. Kelliher on his shoulder to get by.

1 5.470 As the second officer attempted to pass, he brushed up against Mr. Kelliher in the process.

2 5.471 Suddenly and without provocation, the second officer jumped on Mr. Kelliher and placed
3 his arm around his neck.

4 5.472 Mr. Kelliher raised his arms up to show he was peaceful and not resisting, but the officer
5 threw him to the ground.



15 5.473 Around a dozen other officers on bicycles surrounded Mr. Kelliher while the officer
16 arrested him.

17 5.474 When Mr. Kelliher asked the officer why he put his arms around his neck the officer said,
18 “he interpreted the brush-up as a push.”

19 5.475 After his arrest, Mr. Kelliher was taken to a precinct where he was held and interrogated,
20 then later transferred to the city jail.

21 5.476 Mr. Kelliher was later released on his own personal recognizance.

22 5.477 Mr. Kelliher’s arresting charge was obstructing a police officer.

23 5.478 Prosecutors declined to file any charges.

1 5.479 As a direct and proximate result of the City and SPD's excessive use of force and unlawful
2 arrest of Mr. Kelliher, Mr. Kelliher suffered damages, including but not limited to:
3 infringement upon his constitutional rights, an assault on his person, unlawful detainment,
4 and the effects of being accused of a crime he did not commit.

5 **Jenna Kinyon**



14 5.480 28-year-old Jenna Kinyon is a welder who recently moved to the Seattle area.

15 5.481 Ms. Kinyon was at all relevant times a peaceful protester. She incorporates by reference
16 paragraph 5.185, *supra*.

17 5.482 On May 30, 2020, Jenna Kinyon went to downtown Seattle to peacefully protest the murder
18 of George Floyd, and joined the crowds congregating near 4th and Stewart Street.

19 5.483 At 5:00 pm, Mayor Durkan's hastily announced curfew went into effect.

20 5.484 The protesters were not given sufficient notice about this curfew – many did not know
21 about it until after it had already gone into effect.

22 5.485 A bit before 5:00 pm, Ms. Kinyon could see that the police officers were getting antsy,
23 trying to corral people around.

1 5.486 Public transportation and roads into/out of downtown also began closing prior to curfew,
2 meaning protesters like Ms. Kinyon (who lives in Spanaway) were stuck downtown.

3 5.487 At 5:00 pm, the police started firing tear gas, flash bang grenades, blast balls, OC spray,
4 and/or rubber bullets.

5 5.488 Shortly after 5:00 pm, Ms. Kinyon was standing with a group of protesters about 25 feet
6 away from the police, when she was suddenly and without provocation hit in the stomach
7 by a rubber bullet.



15 5.489 Ms. Kinyon paused briefly to retrieve the bullet that hit her. She then ran away from the
16 police line into the crowd for safety, and then tried to get out of the downtown area, but
17 could not leave due to the shutdown of public transportation and nearby streets.

18 5.490 As a direct and proximate result of the police shooting Ms. Kinyon with a rubber bullet,
19 she suffered pain, trauma, and other damages, including but not limited to: a large
20 contusion on her stomach. Ms. Kinyon also suffered infringement upon her constitutional
21 rights.

22 5.491 On June 7, 2020, Ms. Kinyon went to Capitol Hill to peacefully protest with the Black
23 Lives Matter movement near the East Precinct barricade. She began playing her

1 drum/bucket and chanting with the crowd over her megaphone.

2 5.492 Around 7:45 pm, police and National Guard started approaching the barricade and
3 surrounding the protesters.

4 5.493 Suddenly and without provocation, the police began to throw/fire projectiles into the crowd
5 and pepper sprayed protesters in the face, causing panic within the crowd.

6 5.494 As this was happening SPD Officer Schoenberg approached Ms. Kinyon, pointed at her,
7 and yelled, “I’m gonna beat the shit out of you.” Another officer threatened to pepper spray
8 her in the face.

9 5.495 After this, Ms. Kinyon continued peacefully protesting. Around 12:00 am, Ms. Kinyon was
10 in the front of the crowd, near the barricade, playing her drum.

11 5.496 The police attempted to move the protesters back, but Ms. Kinyon couldn’t move very far
12 – stuck between a mass of protesters on one side and a line of officers on the other.

13 5.497 Suddenly, an officer grabbed Ms. Kinyon by the neck/collar and yanked her into the police
14 line, knocking Ms. Kinyon unconscious.

15 5.498 Ms. Kinyon does not know how long she was out. When she regained consciousness, she
16 was lying on the ground, behind the barricade, missing all of her protest equipment.

17 5.499 After EMTs provided her with some cursory treatment, the police moved her to a cell.

18 5.500 Ms. Kinyon was disoriented and on the verge of vomiting from the head injury she
19 sustained, yet she was not provided with further medical treatment.

20 5.501 While in the cell, an officer ripped away from Ms. Kinyon a blanket she had been provided
21 by the EMTs.

22 5.502 Ms. Kinyon was also placed in handcuffs – while still being held in the cell.

23 5.503 Eventually Ms. Kinyon was moved to King County and released later in the day on June

8, 2020.

5.504 Ms. Kinyon's arresting charges were failure to disperse and obstructing a public officer.

5.505 Prosecutors declined to file any charges.

5.506 As a direct and proximate result of the excessive force used by the City and SPD, Ms. Kinyon suffered pain, trauma, and other damages, including but not limited to: concussion with loss of consciousness, neck pain, back pain, wrist pain, finger numbness, unlawful detainment, and the effects of being accused of a crime she did not commit, including but not limited to injury to reputation. Ms. Kinyon also suffered infringement upon her constitutional rights.

Benjamin "Ben" Koenigsberg



5.507 36-year-old Benjamin Koenigsberg ("Ben" hereinafter), owns two gyms in Capitol Hill – Rain City Fit and RCF Barbell Club. He is deeply committed to racial and economic justice and has always tried to give back to his community, both personally and professionally. In the early days of the BLM/George Floyd protests, Ben offered water to protesters who had been exposed to chemical irritants, and later set up a stand for handing out hot dogs,

1 sausages, and vegan dogs to protesters in the Capitol Hill area.

2 5.508 Ben was at all relevant times a peaceful protester. He incorporates by reference paragraph
3 5.185, *supra*.

4 5.509 On July 25, 2020, Ben was walking over to attend a protest on Pine Street with his fiancée
5 Plaintiff Leanna Carr and his brother Plaintiff Jake Koenigsberg.

6 5.510 They had just arrived and joined a group of protesters when SPD officers began advancing
7 on the group and ordering everyone to move back. The three did move back. As they were
8 doing so, the officers suddenly and without provocation began deploying pepper spray and
9 explosive devices. One of the devices exploded near Ben, hitting him with shrapnel in the
10 back of the leg.



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20 5.511 Ms. Carr suffered a more severe injury from the same explosion and fell to the ground. Ben
21 and Jake struggled to help Ms. Carr retreat from the SPD officers as they marched forward
22 spraying clouds of pepper spray at them.

23 5.512 Ben was separated from his brother during the incident, and only later learned Jake had

been arrested while trying to aid Ms. Carr.

5.513 As a direct and proximate result of the explosive devices used on him by the City and SPD, Ben suffered pain, trauma, and other damages, including but not limited to: laceration and significant bruising on his right leg, disability, and emotional distress related to witnessing the injury to his girlfriend and caring for her during her recovery. Ben also suffered infringement upon his constitutional rights.

Jacob “Jake” Koenigsberg



5.514 Jacob Koenigsberg (“Jake” hereinafter) is a 42-year-old freelance copywriter working exclusively for nonprofits.

5.515 Prior to the death of George Floyd, Jake did not consider himself a protester. But that incident compelled him to participate in the BLM/George Floyd protests.

5.516 Jake was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.517 On July 25, 2020 Jake was with his brother Ben and Ben's fiancée Ms. Carr (See Ben's

Paragraphs 5.509 – 5.512, which Jake incorporates by reference). During this incident Jake

THIRD AMENDED COMPLAINT FOR DAMAGES ON BEHALF OF STRITMATTER KESSLER KOEHLER MO
BLACK LIVES MATTER PROTESTERS FOR WRONGFUL DEATH, 3600 15th Ave West, Suite
PERSONAL INJURIES, CIVIL RIGHTS VIOLATIONS, AND PUBLIC Seattle, WA 98
RECORDS ACT VIOLATIONS - 146 Tel: 206-448-1

1 was hit with a stream of pepper spray discharged by an SPD officer.

2 5.518 When Ms. Carr was lying on the ground injured, Jake attempted to prevent other retreating
3 protesters from trampling her by using his body as a shield. Jake had his back to the
4 advancing SPD officers.

5 5.519 Without warning the police forcefully pushed Jake back, and he felt an officer grab him by
6 the neck. SPD officers spun him around and tackled him to the ground, causing scrapes to
7 his right knee, left elbow, forearm, and bruising to his head. An officer ground his knee
8 into Jake's back as he was handcuffed.



17 5.520 Jake was given no orders and no opportunity to comply before he was tackled.

18 5.521 Jake was not told that he was under arrest.

19 5.522 Jake did not resist the arrest.

20 5.523 Jake was transported to the West Precinct, and eventually to the King County Jail.

21 5.524 Jake was never read his *Miranda* rights.

22 5.525 Upon arrival at the King County Jail, Jake was first placed in a room with a puddle of urine
23 on the floor.

1 5.526 Jake was then placed in a very small cell overcrowded with nine other people.

2 5.527 Despite signs stating that masks are required due to COVID-19, only about half of the jail

3 staff were wearing masks.

4 5.528 After being fingerprinted and photographed, a jail nurse cleaned an injury on Jake's knee.

5 5.529 Neither SPD nor King County took photographs of his arrest related injuries.

6 5.530 Jake was not provided food for over 12 hours of detention.

7 5.531 Arrestees were told by jail staff they could not call their attorneys until "after the cell was

8 cleaned."

9 5.532 When an arrestee asked when the cell would be clean, a jail guard pointed to a bucket and

10 a mop and said, "The mop's right there." Another prisoner began mopping, and Jake

11 participated in cleaning by sweeping the cell.

12 5.533 When the arrestees were finally allowed to use the phones, the PIN numbers for the phone

13 system didn't work. Jake gave up one of his three allotted calls so another arrestee could

14 make a call.

15 5.534 Jake was released on July 26, 2020, around 1:15 p.m., after his wife posted bail.

16 5.535 Jake's arresting charge was "Failure to disperse."

17 5.536 Prosecutors declined to file any charges.

18 5.537 As a direct and proximate result of the chemical weapons and excessive physical force used

19 on him by the City and SPD, his unlawful arrest and prosecution, and his unlawful

20 treatment at the King County Jail, Jake suffered pain, trauma, and other damages, including

21 but not limited to: lacerations on his knee, elbow, and forearm, bruising on his head, wrist

22 and shoulder, exacerbation of an existing back injury, burning pain from exposure to

23 chemical irritants, disrupted sleep, anxiety, unlawful detainment, and the effects of being

accused of a crime he did not commit, including but not limited to injury to reputation.
Jake also suffered infringement upon his constitutional rights.

Seth Kramer



5.538 Seth Kramer is a 34-year-old graduate student at the University of Washington.

5.539 Mr. Kramer was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.540 On July 25, 2020, Mr. Kramer was taking part in the BLM/George Floyd protests in Capitol Hill. Police were pushing protesters west on East Pine Street, retreating, and then repeating the tactic.

5.541 After one of the times the police had pulled back, SPD officers deployed projectiles, several of which hit Mr. Kramer.

5.542 Shrapnel from one device penetrated his left leg.

5.543 Another projectile – believed to be a rubber bullet – struck him in the thigh.



5.544 A third projectile hit the back of his left hand, causing burns even through a glove.

5.545 Three to four additional devices fired by SPD officers exploded near Mr. Kramer's head, causing him first-degree burns, hearing damage, and a concussion.

5.546 Later that afternoon and evening, Mr. Kramer was exposed to heavy doses of tear gas, burning his eyes and throat.

5.547 As a direct and proximate result of the chemical weapons, explosive devices, and projectiles used on him by the City and SPD, Mr. Kramer suffered pain, trauma, and other damages, including but not limited to: permanent hearing loss, a severe concussion, first degree burns, burning of his eyes and throat, lacerations, contusions, PTSD, lost wages, and loss of educational opportunities. Mr. Kramer was rendered unable to do his normal tasks as a researcher and PhD candidate due to the severity of the concussion and is now on disability leave. Mr. Kramer also suffered infringement upon his constitutional rights.

Eric Look



5.548 Eric Look is a 30-year-old who comes from a military family. Look moved to the Pacific Northwest in 2019 and was compelled by the death of George Floyd to be a part of a movement.

5.549 Look was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.550 On July 25, 2020, Mr. Look marched with BLM/George Floyd protesters from Seattle Central Community College to the East Precinct.

5.551 Upon arrival at the intersection near the precinct, Mr. Look immediately heard flashbangs. He did not hear any warning or request for dispersal before police began using explosive munitions on the crowd.

5.552 Look began filming as protesters ran from the police. SPD officers began forming a line across 12th Avenue, pushing protesters south.

5.553 Look was retreating backwards when he heard some commotion behind him.

5.554 Suddenly, an officer shoved Mr. Look and knocked him backwards to the ground, knocking his phone out of his hand.



5.555 As he reached for his phone, still on his hands and knees, another officer grabbed it from his hand.

5.556 An officer then smashed his face to the pavement while others kneeled on his back, legs, and arms. They then handcuffed him, cut his backpack off him, and transported him to the West Precinct.

5.557 At the West Precinct, Mr. Look was denied water for about three hours.

5.558 An officer yelled in his face when he asked why he was being held.

5.559 He was eventually transported to King County Jail.

5.560 Upon arrival at KCJ, the officers escorting Mr. Look inside slammed his body into the door between the jail and the garage.

5.561 A jail guard slammed his head into the surface of a desk, breaking his two front teeth as depicted below.



5.562 Look spit out pieces of his two front teeth. The guards then covered his entire face and head with a “spit sock.”

5.563 He was yanked up by the shirt and shoved into a chair.

5.564 A jail nurse asked Mr. Look a few questions but did not clean, treat, or photograph his injuries.

5.565 Mr. Look was released on July 26, 2020 at approximately 1 p.m.

5.566 Mr. Look’s arresting charge was obstructing a public officer.

5.567 Prosecutors declined to file any charges.

5.568 Ultimately, Mr. Look underwent dental surgery at the University of Washington dental clinic. He has lost feeling in his two front teeth.

5.569 As a direct and proximate result of the excessive use of force used on him by the City and SPD, his unlawful arrest, and his unlawful treatment at the King County Jail, Mr. Look suffered pain, injury, scarring, trauma, and other damages, including but not limited to: anxiety, humiliation, depression, other symptoms of PTSD, unlawful detainment, and the effects of being accused of a crime he did not commit, including but not limited to injury

1 to reputation. Mr. Look also suffered infringement upon his constitutional rights.

2 **Daniel Lugo**



12 5.570 Daniel Lugo is a 25-year-old Puget Sound native who grew up in poverty and now works
13 as a legislative assistant on poverty-related issues such as funding affordable housing and
14 foster care.

15 5.571 Mr. Lugo supports the BLM/George Floyd protests because he wants to help under-
16 represented people and is firmly against racism and police violence.

17 5.572 Mr. Lugo was at all relevant times a peaceful protester. He incorporates by reference
18 paragraph 5.185, *supra*.

19 5.573 On June 1, 2020, around 11:00 a.m. Mr. Lugo was peacefully protesting near the East
20 precinct on Capitol Hill on 11th Ave and East Pine Street.

21 5.574 Later in the evening, without warning or provocation, the police began shooting blast balls
22 and throwing flashbangs to disperse the crowd.

23 5.575 As Mr. Lugo retreated from the police a flashbang or blast ball exploded on his left hip,

1 leaving an eight-inch bruise on his hip.



12 5.576 On June 8, 2020, around 10:00 p.m. Mr. Lugo was again peacefully protesting on Capitol
13 Hill near 11th Ave and Pike Street when the police shot a tear gas canister that exploded
14 four feet from him, exposing him to intense tear gas that caused him to fall to the ground
15 and vomit.

16 5.577 On June 25, 2020, Mr. Lugo was peacefully protesting on Capitol Hill near 11th Avenue
17 and East Pine Street when he and other peaceful protesters linked arms in solidarity.

18 5.578 Suddenly and without warning, someone grabbed him from behind causing him to fall.

19 5.579 When he attempted to stand, a police officer pushed him back down to the ground, causing
20 lacerations and bruises to his left knee.



5.580 A protester tried to drag him to safety, but the police attacked that person with a baton.

5.581 On September 25, 2020, at approximately 9:00 p.m., Mr. Lugo was marching with a group of protesters near 12th Avenue East and East Pine Street on Capitol Hill.

5.582 Police began throwing flashbang grenades into the crowd. Mr. Lugo suffered a flashbang explosion that caused lacerations and bruising to his knee.



1 5.583 As a direct and proximate result of the excessive force and chemical weapons used on him
2 by the City and SPD, Mr. Lugo suffered pain, trauma, and other damages, including but
3 not limited to: knee lacerations, knee pain, leg swelling, as well as loss of sleep and other
4 symptoms of PTSD. Mr. Lugo had to take a week off from work because of his injuries.
5 Mr. Lugo also suffered infringement upon his constitutional rights.

6 **Jacob Martin**



17 5.584 Jacob Martin is 23 years old. He grew up in Seattle, graduated from Ingraham high school,
18 and now attends Berklee School of Music online for music production. He is a multi-
19 instrumentalist musician who teaches and plays music professionally.

20 5.585 Mr. Martin's involvement in the BLM protest movement stems from his empathy, and his
21 interest in conflict theory, sociology, and the intersection of race and class in the United
22 States.

23 5.586 Mr. Martin was at all relevant times a peaceful protester. He incorporates by reference

paragraph 5.185, *supra*.

5.587 On July 25, 2020, at approximately 1:30 p.m. Mr. Martin joined a rally at Seattle Central College. He moved with the crowd southward, then back north on 12th Avenue.

5.588 At one point, while the police had moved back to the vicinity of 11th Avenue and Pine Street, Jacob was teargassed. He was coughing, tearing up, and unable to catch his breath.

5.589 At approximately 5:20 p.m. Mr. Martin saw a police officer aim what looked like a rifle directly at him.

5.590 He was hit by a rubber bullet and felt searing pain in his right wrist.

5.591 His wrist and hand were red, lacerated, and bleeding. He left the crowd and called for a ride home.

5.592 Since the injury, Mr. Martin has experienced numbness and tingling on the backs of his fingers and between his fingers. He has had to wear a brace to stabilize the wrist, which further decreases his range of motion.

5.593 As a direct and proximate result of the force used on him by the City and SPD, Mr. Martin suffered pain, trauma, and other damages, including but not limited to: anxiety, depression, and finger/wrist weakness, numbness and loss of dexterity, affecting his abilities as a professional musician. Mr. Martin also suffered infringement upon his constitutional rights.

Joshua Matney



5.594 Joshua Matney is 40 years old and was born and raised in the Pacific Northwest. Mr. Matney is a stagehand and events production worker. He resides with his six-year-old son, Oliver, in Capitol Hill.

5.595 For Mr. Matney, protesting and bringing peace to chaotic situations is an exercise of his Buddhist faith. He attended the first BLM/George Floyd protest on May 31, 2020. His intent at protests is to engage in dialogue and understanding.

5.596 Mr. Matney was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.597 On July 25, 2020, Mr. Matney arrived in the Capitol Hill area in the early afternoon. Mr. Matney helped move people as police rushed down 13th and Pike.

5.598 While Mr. Matney was assisting two women near the front of the crowd, police maced him directly in the face.

5.599 He rushed to a medic to rinse his face. He removed his mask and put on a bandana as a

1 makeshift mask.

2 5.600 By the time he returned to the protest, police were pushing people west on Pine, throwing
3 flash bang grenades and firing baton rounds.

4 5.601 At approximately 6 p.m., Mr. Matney was near Rancho Bravo when police began to move
5 east.

6 5.602 He was about 12 feet away from an officer who was firing baton rounds when the officer
7 made eye contact with Mr. Matney.

8 5.603 Mr. Matney held up his umbrella to shield his face when a baton round hit him in his right
9 thigh.



19
20 5.604 Another officer was throwing blast balls into the crowd.

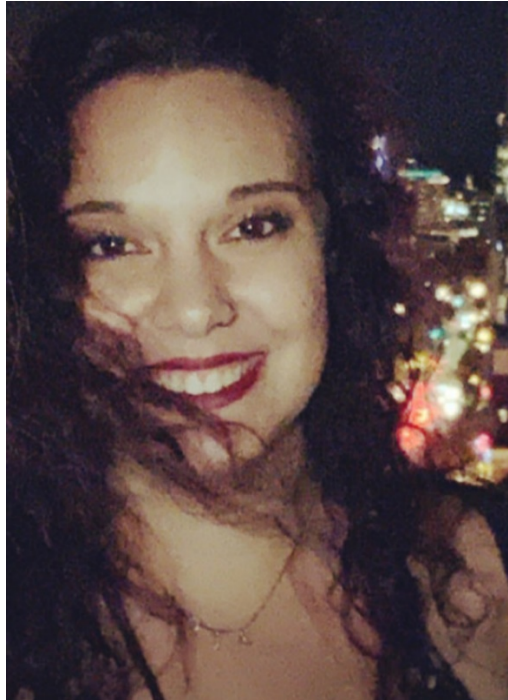
21 5.605 A minute or so later, a blast ball bounced off a curb and exploded on his ankle.

22 5.606 As a direct and proximate result of the explosive and chemical weapons used on him by
23 the City and SPD, Mr. Matney suffered pain, trauma, and other damages, including but not

24 limited to: thigh injury and disfigurement, scarring, continuing discomfort and loss of

sensation, anxiety, exaggerated startle reflex, insomnia, and other symptoms of PTSD. Mr. Matney also suffered infringement upon his constitutional rights.

Chloe Merino



5.607 Chloe Merino is a 25-year-old second-year student at Seattle University School of Law.

5.608 Ms. Merino was at all relevant times a peaceful protester. She incorporates by reference paragraph 5.185, *supra*.

5.609 On July 25, 2020, Ms. Merino attended a protest starting at Seattle Central College, headed toward the youth jail, eventually looping back onto Pine Street, and then toward the East Precinct.

5.610 Around 4:30 p.m. she arrived at the East Precinct, where police officers were blocking her path. Along with her brother, her roommate and a group of protesters, Ms. Merino walked around the block to avoid the large number of officers.

5.611 Suddenly police began throwing explosives into the crowd and pepper spraying protesters.

1 5.612 The police shouted orders and pushed back protesters with their bikes.

2 5.613 Ms. Merino and her brother tried to comply and back up through the dense crowd. They
3 could not back up fast enough. Suddenly, an officer pepper sprayed Ms. Merino in the
4 face. She could not see anything.

5 5.614 Ms. Merino's brother and another protester grabbed her arms and led her out of the crowd,
6 screaming for a medic. At the same time, officers threw a blast ball at her feet where it
7 exploded on her ankle.



16 5.615 A medic helped flush out her eyes. While she was being treated, the police advanced on
17 the medic station and she had to be led away.

18 5.616 As a direct and proximate result of the chemical weapons and explosive devices used on
19 her by the City and SPD, Ms. Merino suffered pain, trauma, and other damages, including
20 but not limited to: bruises to her ankle, bruises to her bone, chemical burns, and emotional
21 distress. Ms. Merino also suffered infringement upon her constitutional rights.

Logan Miller



5.617 Logan Miller is a 27-year-old housepainter. Before COVID-19, he also worked at the ShowBox music venue and Sisters and Brothers restaurant.

5.618 Mr. Miller currently works for the Freedom Education Project Puget Sound (FEPPS), an organization that provides rigorous, high-quality education for incarcerated women. He has also been involved in activism around the Tacoma immigrant detention center.

5.619 Mr. Miller has participated in protesting the death of George Floyd, police brutality and racial injustice since May 29, 2020, attending protest events three or four times per week.

5.620 Mr. Miller was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.621 At one of the first protests in late May, Mr. Miller was pepper sprayed by SPD.

5.622 On July 25, 2020, Mr. Miller was attending a protest on Pine Street near Cal Anderson Park when SPD officers began to engage in a series of rapid advances into protesters,

1 followed by retreats. During the advances, SPD officers deployed pepper spray and
2 explosive projectiles.

3 5.623 Mr. Miller was actively retreating from a surge of SPD officers when a blast ball hit his
4 right shoe, bounced up and exploded on the back of his left calf. The force knocked him
5 backwards. Although in pain, he was forced to keep moving for over a mile before he
6 found a place to recover.



15
16 5.624 As a direct and proximate result of the explosive device used on him by the City and SPD,
17 Mr. Miller suffered pain, trauma, and other damages, including but not limited to: a
18 laceration on his right calf, traumatic hematoma on his left calf, disability, disrupted sleep,
19 and lost wages. Mr. Miller also suffered infringement upon his constitutional rights.

Toni Mills



5.625 Toni Mills is a 54-year-old retired medical professional with a spinal cord injury who supports the BLM movement through volunteering medical services. She walks with a cane and cannot actively participate in marches.

5.626 Ms. Mills was at all relevant times a peaceful protester. She incorporates by reference paragraph 5.185, *supra*.

5.627 On July 1, 2020, around 6:00 a.m., Ms. Mills learned of the Mayor's Executive order to clear CHOP and the Cal Anderson Park area and decided to walk a few blocks from her home to observe.

5.628 Around 6:30 a.m. Ms. Mills was on a public street across from Cal Anderson Tennis Courts when a group of bike officers told her to turn around and leave the area.

5.629 Ms. Mills complied, turned around and began to walk back to her home.

5.630 Suddenly and without warning and officer pushed her. As she was attempting to regain her balance, she heard an officer yell "take her!"

5.631 Ms. Mills' cane was ripped from her hand and police slammed her down onto the sidewalk.

Multiple officers then jumped on top of her and placed her under arrest.

5.632 As a result of the arrest, Ms. Mills' knees were scraped and bleeding.



5.633 Ms. Mills was handcuffed and held until she was transported to the King County Jail.

5.634 There, she was subjected to a warrantless strip search, during which she was ordered to remove her clothing and display her body to jail staff, absent any lawful, reasonable, or rational justification.

5.635 Ms. Mills was placed in a small cell where she was kept in isolation. That cell was unsanitary – with visible dried spit and blood.

5.636 Ms. Mills was later placed in a second cell that was overcrowded with 14 women.

5.637 Multiple officers at the jail were either not wearing or were improperly wearing masks to protect against Covid-19.

5.638 Ms. Mills repeatedly expressed to staff her concerns about contracting Covid-19, due to her compromised health, but was ignored.

5.639 Ms. Mills asked a nurse for supplies to clean the dirt out of the wounds on her knee, but was only given Band-Aids.

1 5.640 Ms. Mills observed guards heckling and mocking incarcerated protesters.

2 5.641 Ms. Mills was released around 8:30 pm that night.

3 5.642 Ms. Mills was charged with failure to disperse. Those charges remain unresolved. Ms.
4 Mills was forced to hire an attorney to defend against those charges.

5 5.643 Ms. Mills' injuries have impaired her ability to participate in any further protests.

6 5.644 As a direct and proximate result of the violent physical force used on her by the City and
7 SPD, her unlawful arrest, and her unlawful treatment at the King County Jail, Ms. Mills
8 suffered pain, trauma, and other damages, including but not limited to: exacerbation of her
9 facet joint syndrome, osteoporosis, TMJ, torn L5 disc, bursitis of the hip, PTSD, unlawful
10 detainment, and the effects of being accused of a crime she did not commit, including but
11 not limited to injury to reputation. Ms. Mills also suffered infringement upon her
12 constitutional rights.

13 **Alessandra Mowry**

14 5.645 Alessandra Mowry is a 25-year-old active member of the Pike Place Market Preservation
15 and Development Authority.

16 5.646 Ms. Mowry has seen the impact of racism on her family and friends and supports the
17 BLM/George Floyd protests against police racism and injustice.

18 5.647 Ms. Mowry was at all relevant times a peaceful protester. She incorporates by reference
19 paragraph 5.185, *supra*.

20 5.648 On June 7, 2020, at approximately 8:30 p.m. Ms. Mowry went to Capitol Hill to help move
21 water and medical supplies to locations where it would not be contaminated by tear gas.

22 5.649 While moving supplies she saw police target medics and injured people with explosives at
23 the Rancho Bravo medical station.

1 5.650 That day she was hit with multiple projectiles, one of which struck her in her calf.

2 5.651 She was also exposed to tear gas at the protests which caused her to lose her voice and
3 struggle to breathe.

4 5.652 On June 25, 2020, at approximately 6:00 p.m. Ms. Mowry was part of a march to the youth
5 jail which ended near the East Precinct on Capitol Hill.

6 5.653 As the crowd approached Precinct the police chased people, forcing them onto 11th Ave.

7 5.654 As people attempted to disperse the police used flash bangs, tear gas, and blast balls
8 spreading panic through the crowd.

9 5.655 Ms. Mowry ran to a bus shelter on Pine Street and Broadway to seek refuge.

10 5.656 Suddenly she was hit in the left hand by an explosive that was thrown into the shelter,
11 causing a bruise and loss of hearing. Another explosive detonated near her foot.



22 5.657 Ms. Mowry tried to protect and elderly man, approximately 75 years old, who was also in
23 the bus shelter. He was bleeding from cuts on his face and appeared confused and

1 disoriented.

2 5.658 She saw two police officers hesitate when they saw the old man.

3 5.659 A commanding officer approached them from behind and physically pushed the two
4 officers forward to advance on the shelter.

5 5.660 Ms. Mowry fled the shelter to seek medical attention and was exposed to heavy amounts
6 of tear gas.

7 5.661 During this day police shot her multiple times with rubber bullets, blast balls and tear gas
8 canisters.

9 5.662 Her injuries included large bruises on her left calf, front left thigh, back right thigh, and
10 inner right arm.



21 5.663 On August 14, 2020, in the afternoon, Ms. Mowry was making fruit salad to pass out to
22 people in Cal Anderson Park when she watched police arrest a man, leaving his seven-
23 year-old child screaming as the father was dragged away.

1 5.664 Ms. Mowry was about 20 feet away from the arrest when a female officer with blonde curly
2 hair approached her and shouted "Move!", shoved her in the chest and pepper sprayed her
3 in the face, unprovoked and without warning.

4 5.665 Ms. Mowry stumbled away blinded while assisted by medics. She had difficulty breathing
5 for several hours, burning in her face and eyes, and developed welts on her arms and
6 armpits from the chemical exposure.

7 5.666 On December 18, 2020, Ms. Mowry was at Nagle Place, leaning against a tree to which
8 SPD had affixed police line tape.

9 5.667 Ms. Mowry did not remove or alter the police line tape.

10 5.668 Police accused Ms. Mowry of "tampering with" the police tape and arrested her for
11 obstruction and trespassing.

12 5.669 SPD officers told Ms. Mowry that she would be released because her case was declined by
13 the prosecutor's office.

14 5.670 She was not released and was later told that a police chief had convinced King County Jail
15 to book her.

16 5.671 Ms. Mowry was transported to KCJ, booked, and was not released until around 6:30 p.m.

17 5.672 No charges have been filed against Ms. Mowry.

18 5.673 As a direct and proximate result of the excessive force and chemical weapons used on her
19 by the City and SPD, Ms. Mowry suffered pain, trauma, and other damages, including but
20 not limited to: leg lacerations, hand lacerations, knee pain, leg swelling, foot bruising, eye
21 irritation, respiratory disruption, disruption of her menstrual cycle anxiety, incapacitation,
22 other symptoms of PTSD, and the effects of being accused of a crime she did not commit,
23 including but not limited to injury to reputation. Ms. Mowry also suffered infringement

upon her constitutional rights.

Kelsey “Kel” Murphy-Duford



5.674 Kelsey “Kel” Murphy-Duford is a 30-year-old who is active in community theater and worked at the Muckleshoot Casino prior to Covid.

5.675 Mr. Murphy-Duford, as a member of the trans community, has always been an advocate of social justice, and supported the BLM/George Floyd protest from the beginning by handing out masks, guiding members of the community, and watching for conflict.

5.676 Mr. Murphy-Duford was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.677 On July 25, 2020, at approximately 3:00 p.m. Mr. Murphy-Duford peacefully participated in the protest that marched to the youth jail and returned to Capitol Hill. After the march reached the East Precinct the police split the protesters in two groups.

5.678 Mr. Murphy-Duford was part of the smaller group that was faced by police in riot gear on 11th Ave and Pine Street.

1 5.679 Protesters began to open umbrellas in anticipation of a police attack to protect themselves,
2 and someone handed Mr. Murphy-Duford a plastic bin lid as a “shield” and a leaf blower.

3 5.680 Without verbal warning or provocation, the police began firing tear gas and throwing
4 flashbangs into the crowd.

5 5.681 A flashbang exploded near Mr. Murphy-DuFord, causing his ears to ring.

6 5.682 Immediately after the explosions, he was hit on the hip by a tear gas canister which
7 exploded, coating his clothes in an orange powder.



18
19 5.683 Mr. Murphy-Duford retreated north on 11th Ave and was about halfway between East Pine
20 Street and Olive Way when the police shot him about five times in his legs with
21 explosives—again with no warning.



5.684 On November 4, 2020, at approximately 11:30 p.m., Mr. Murphy-Duford was protesting near the East Precinct on 12th Ave when an officer slammed him to the ground.

5.685 His head hit the pavement hard enough for surrounding witnesses to hear the crack of the impact.

5.686 Mr. Murphy-Duford did not move after that assault.

5.687 Multiple officers began to pile his face down, motionless body while preventing anyone from coming to his aid.

5.688 The protesters yelled at the police to call an ambulance to help Mr. Murphy-Duford.

5.689 Approximately 15 minutes later the Fire Department arrived and attended to him for about 15 minutes before taking him to Harborview.

5.690 He was unconscious and intubated for about 24 hours at the hospital.

5.691 As a direct and proximate result of the excessive force and chemical weapons used on him by the City and SPD, Mr. Murphy-Duford suffered pain, trauma, and other damages, including but not limited to: leg and hip lacerations, loss of hearing, kidney function

1 disruption, scar tissue in both legs, prolonged loss of consciousness, and PTSD. Mr.
2 Murphy-Duford also suffered infringement upon his constitutional rights.

3 **Wesley Peacock**



12 5.692 Wesley Peacock is a 39-year-old Black man who wants to show solidarity with victims of
13 police brutality and to advocate for a better future for himself and his community.

14 5.693 Mr. Peacock was at all relevant times a peaceful protester. He incorporates by reference
15 paragraph 5.185, *supra*.

16 5.694 On July 25, 2020, Mr. Peacock was with his girlfriend Plaintiff Anderson (see paragraphs
17 5.245 – 5.247 which Mr. Peacock incorporates by reference). During this incident, as Mr.
18 Peacock and Ms. Anderson were running away towards safety, a blast ball exploded near
19 Mr. Peacock's face which caused him temporary loss of hearing.

20 5.695 Mr. Peacock continued to protest that day. Around 11:30 p.m., near 11th Avenue and Pine
21 Street, he was at the front line of protesters voicing his concerns of excessive force by the
22 police.

23 5.696 As he was turning to leave the protest, an officer shouted "get over here" and violently

1 arrested Mr. Peacock, bruising his head, elbow, and knees.



9 5.697 Mr. Peacock was handcuffed and placed in a van where he sat for roughly an hour before
10 being transferred to the King County Jail.

11 5.698 The cuffs were on for so long and were so tight that Mr. Peacock has scars on his wrists.

12 5.699 At the jail, Mr. Peacock was subjected to a warrantless strip search absent any lawful,
13 reasonable, or rational justification. Mr. Peacock's strip search involved an order to squat
14 and spread his buttocks. It took place in a large communal room alongside multiple other
15 naked detained protesters.

16 5.700 He informed the officers he was vegan but was given food he mostly could not eat.

17 5.701 Mr. Peacock spent two nights in jail sleeping on the cold concrete, without a pillow, without
18 heat, and only a thin blanket to keep him warm.

19 5.702 He was given no medical treatment for any of his injuries during the duration of his time
20 in jail.

21 5.703 Mr. Peacock heard jail personnel mocking incarcerated protesters, including comments like
22 "You deserve to be here."

23 5.704 Mr. Peacock was released on July 27, 2020.

1 5.705 Mr. Peacock's arresting charges were third degree assault and obstructing a public servant.

2 5.706 The County and the City both declined to prosecute.

3 5.707 As a direct and proximate result of the explosive devices, chemical weapons, and violent
4 physical force used on him by the City and SPD, his unlawful arrest and prosecution, and
5 his unlawful treatment at the King County Jail, Mr. Peacock suffered pain, trauma, and
6 other damages, including but not limited to: bruising, scrapes, gashes on his head, elbow,
7 and knees, headaches, tingling under his eyelid and scarring, unlawful detainment, and the
8 effects of being accused of a crime he did not commit, including but not limited to injury
9 to reputation. Mr. Peacock also suffered infringement upon his constitutional rights.

10 **Jordan A. Pickett**



19 5.708 Jordan Pickett is a 23-year-old multimedia journalist for *The Daily* – University of
20 Washington's student newspaper.

21 5.709 On June 7, 2020, around 7-8:00 pm, Mr. Pickett headed to the Capitol Hill area to
22 photograph the protests.

23 5.710 Mr. Pickett was at all times peaceful. He incorporates by reference paragraph 5.185, *supra*.

1 5.711 Mr. Pickett was clearly visible as media – he had his front “media” tassel, as well as a
2 labeled hat and backpack.



12 5.712 About 10 minutes after he arrived the police deployed tear gas, dozens of flash bangs and/or
13 blast balls, and started pushing the crowd towards Broadway. Mr. Pickett did not see what
14 precipitated this response, but to his eye, the crowds were peaceful.

15 5.713 Mr. Pickett was about 40-50 feet away from the police when a flash bang or blast ball
16 exploded next to his foot.

17 5.714 The crowd moved away from the police and Mr. Pickett moved with them, intermittently
18 taking photographs.

19 5.715 As he was walking on Pine Street between Broadway and 10th Avenue, Mr. Pickett was
20 suddenly hit from behind by a baton round. At that point, no one was within 4-5 feet around
21 him.

22 5.716 Mr. Pickett fell over in pain and with tear gas in his eyes. Despite his pain, Mr. Pickett got
23 up and continued taking photographs, but he kept his distance, wary of getting injured

again.



5.717 As a direct and proximate cause of the chemical weapons, explosive devices, and projectiles used on him by the City and SPD, Mr. Pickett suffered pain, trauma, and other damages, including but not limited to: contusions on his back and chemical irritants in his eyes. Mr. Pickett also suffered infringement upon his constitutional rights, including his rights as a member of the press.

Charles Pierce



5.718 Charles Pierce is a 46-year-old disabled veteran of the U.S. Army. He has always had a strong distaste for bullies, as well as a desire to protect people.

1 5.719 His disabling conditions stemming from his military service include knee and back issues
2 requiring the use of a cane. Even so, he attended the protests to show support for BLM
3 and his opposition to abuses by the SPD.

4 5.720 Mr. Pierce was at all relevant times a peaceful protester. He incorporates by reference
5 paragraph 5.185, *supra*.

6 5.721 On June 7, 2020, Mr. Pierce attended a demonstration near Rancho Bravo. Mr. Pierce
7 mostly stayed quiet – documenting the scene, sometimes joining in chants and expressing
8 his feelings, but never speaking with or agitating police officers.

9 5.722 In the early morning hours of June 8th, an activist amongst the protesters called out for
10 “white bodies to the front” and Mr. Pierce stepped forward.

11 5.723 Mr. Pierce intentionally left his hands visible at his sides – simply standing near the front
12 of the protesters, facing a line of armored SPD officers about 30-40 feet in front of him.



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20 5.724 Suddenly and without warning, the police line started firing blast balls and pepper spray
21 while advancing on the protesters. Mr. Pierce tried to move back but could not move as
22 quickly as the other protesters because of his disabilities.

23 5.725 As the officers quickly closed the distance, they blinded him with multiple shots of pepper

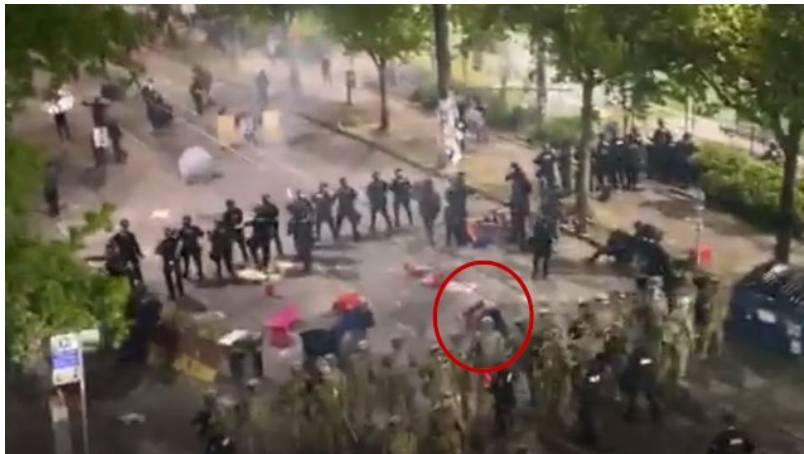
1 spray.



10 5.726 Police officers knocked him down with batons and walked over him.

11 5.727 For several moments after he fell, Mr. Pierce lay motionless on the ground by SPD officers

12 who did not check on his health or status.



20 5.728 Eventually, SPD officers came over. Rather than provide aid, they stood by as he slowly

21 picked himself up onto his hands and knees and started crawling forward, blinded and

22 confused.

23 5.729 After Mr. Pierce crawled forward a few feet, multiple officers pinned him to the ground

24 and told him he was being arrested for “failure to disperse.”

1 5.730 Officers zip tied Mr. Pierce's hands behind his back and cut off his backpack. The zip ties
2 caused Mr. Pierce to lose feeling in his left hand.

3 5.731 When EMTs were eventually notified, he was taken to Harborview Medical Center. During
4 the ambulance ride Mr. Pierce suffered multiple asthma attacks.

5 5.732 At Harborview, Sgt. Linda Cook, #6217, told him SPD would not be pressing charges.

6 5.733 In fact, the SPD did attempt to press charges for failure to disperse. Prosecutors declined
7 to file any charges.

8 5.734 As a direct and proximate result of the chemical weapons and violent physical force used
9 on him by the City and SPD, Mr. Pierce suffered pain, trauma, and other damages,
10 including but not limited to: temporary blindness; burning of his eyes with continuing long-
11 term eye symptoms from being pepper sprayed at close range; pain in the back of his head,
12 shoulders, spine, back , knees, shoulder and hip joints; and exacerbation of his knee and
13 back issues, asthma, anxiety, PTSD, high blood pressure, and unlawful detainment. Mr.
14 Pierce also suffered infringement upon his constitutional rights.

15 **Daniel Pierce**



1 5.735 Daniel Pierce, age 39 years, came to Seattle to pursue his dream of becoming a hair stylist
2 in a diverse city. He regularly attended the BLM/George Floyd protests to witness and
3 document the events, suffered injuries and damages at the hands of the City and SPD on
4 three separate occasions.

5 5.736 Mr. Pierce was at all relevant times a peaceful protester. He incorporates by reference
6 paragraph 5.185, *supra*.

7 5.737 Each day followed a similar pattern. Mr. Pierce arrived to the scene of the demonstration,
8 made his way near the front line where protesters were faced with police phalanxes, and
9 began filming/broadcasting via Facebook Live.

10 5.738 Mr. Pierce mostly stayed quiet – documenting the scene, sometimes joining in chants and
11 expressing his feelings, but never speaking with or agitating police officers.

12 5.739 On June 1, 2020, just after 9:00 pm, officers suddenly started using OC spray, tear gas, and
13 flash bang grenades/blast balls.

14 5.740 After stopping briefly to administer aid to people who were injured, Mr. Pierce ran away,
15 up 11th Avenue toward the north end of Cal Anderson Park.

16 5.741 Other protesters were around him also running, shouting “rubber bullets” as Mr. Pierce
17 could hear the police firing their weapons.

18 5.742 Around 9:45pm, Mr. Pierce made his way to the corner of 11th and East Denny Way, where
19 officers once again fired upon the demonstrators.

20 5.743 On June 2, 2020, around 11:40 pm, Mr. Pierce was again peacefully taking part in the
21 Capitol Hill protests.

22 5.744 Suddenly, the police began to use tear gas, flash bang grenades/blast balls, and rubber
23 bullets on the crowd.

1 5.745 While fleeing, Mr. Pierce was exposed to various chemical irritants, which caused him to
2 have difficulty seeing and breathing.

3 5.746 On June 7, 2020, around 11:15 pm, Mr. Pierce was again peacefully protesting on Capitol
4 Hill, when officers began hosing the front line of protesters with pepper spray.

5 5.747 Just after midnight, a flash bang grenade/blast ball exploded mere feet in front of Mr.
6 Pierce, stunning him.

7 5.748 Shortly after that, Mr. Pierce was hit with tear gas that exploded directly in front of him.

8 5.749 His eyes began to burn and swelled shut, temporarily blinding him. His nostrils and throat
9 burned, and his skin was on fire.



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18 5.750 Mr. Pierce blindly ran from the scene, vomiting and shouting, "I can't breathe."

19 5.751 As a direct and proximate result of the chemical weapons used on him by the City and
20 SPD, Mr. Pierce suffered pain, trauma, and other damages, including but not limited to:
21 difficulty seeing and breathing including exacerbation of his severe asthma, nausea,
22 chemical burns, and PTSD. Mr. Pierce also suffered infringement upon his constitutional
23 rights.

Conor Poull



5.752 Conor Poull is a 36-year-old resident of downtown Seattle. He is an avid cyclist and works in specialty coffee distribution. He joined the BLM protests as part of the “bike brigade” hoping to protect protesters from cars by defining march routes.

5.753 Mr. Poull was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.754 On July 25, 2020, Mr. Poull left home to join the PDX Solidarity BLM march around 1:15 p.m.

5.755 Later, Mr. Poull found that he was next to a line of police with what looked like a grenade launcher, firing rounds into the crowd.

5.756 He got off his bike and started walking, afraid that he would get hit by a flashbang grenade.

5.757 Mr. Poull held his bike up in front of him to try to block any launched munitions from hitting him.

5.758 A SWAT officer aimed a large munitions launcher in his direction. Mr. Poull was then

shoved by another SWAT officer.

5.759 Another officer tore his bike from his hands and threw it to the side.

5.760 He was then tackled by several officers and knocked to the ground.

5.761 Mr. Poull was bleeding from his shoulder, elbow, and knee. He was arrested for “investigation of assault on an officer.”

5.762 He asked police to lock up his bicycle or take it with them, but they left it in the street when he was taken to the West Precinct.

5.763 Mr. Poull’s injuries were photographed but he was not given any medical attention nor allowed to clean his abrasions.

5.764 Mr. Poull was kept in handcuffs for approximately seven hours, until midnight, causing pain to his wrists and shoulders.

5.765 He requested water but did not receive any for over three hours.

5.766 He was not given any food for 14 hours, until the next morning at King County Jail.

5.767 When he arrived at King County Jail, Mr. Poull was kept in handcuffs for at least another hour, while waiting in a holding room with a puddle of urine on the floor.

5.768 He asked to speak to an attorney repeatedly and was repeatedly told he would not be allowed a phone call.

5.769 When he sent a “kite” requesting an attorney, the kite was returned saying “You are under investigation for assault on an officer. NO BAIL.”

5.770 Also at King County Jail, Mr. Poull was subjected to an illegal anal cavity search.

5.771 As he was changing into his jail jumpsuit, a guard stood in the doorway, inappropriately watching him change clothes.

5.772 The guard then penetrated Mr. Poull’s anus with his fingers. There were no medical

1 personnel present.

2 5.773 Mr. Poull was released without charge after 53 hours. He has still not been charged.

3 5.774 As a direct and proximate result of the excessive force used on him by the City, and SPD,
4 his unlawful arrest, and his unlawful treatment at the King County Jail, Mr. Poull suffered
5 pain, trauma, and other damages, including but not limited to: shoulder, wrist, elbow, knee
6 and hip bruising and abrasions, assault, humiliation, fear and anxiety, unlawful detainment,
7 and the effects of being accused of a crime he did not commit, including but not limited to
8 injury to reputation. Mr. Poull also suffered infringement upon his constitutional rights.

9 **Renee Raketty**

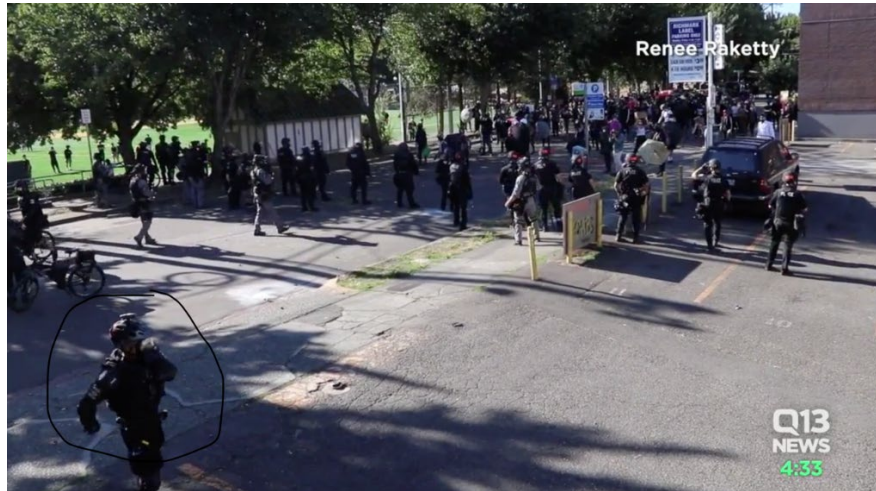


17 5.775 Renee Raketty is a 52-year-old reporter for the Seattle Gay News.

18 5.776 Ms. Raketty was at all relevant times a peaceful member of the media. She incorporates by
19 reference paragraph 5.185, *supra*.

20 5.777 On July 25, 2020, Ms. Raketty was covering the BLM/George Floyd protests in Capitol
21 Hill in her capacity as a journalist. She was prominently displaying her press pass, wearing
22 her press lanyard, and introducing herself to police officers as press. She was not
23 participating in any protest activities.

1 5.778 Ms. Raketty was taking a rest break in a parking lot more than a block away from any
2 protest activities when an SPD officer approached her, looked around to see if anyone was
3 watching, and then tossed a blast ball at Ms. Raketty.



11 5.779 The sound from the explosion caused hearing loss, and as she scrambled away from the
12 explosion, Ms. Raketty strained her knee.

13 5.780 The SPD officer did not issue any warning prior to the attack, nor did he render any aid
14 once Ms. Raketty was injured. The officer casually walked away, and none of the other
15 officers within sight of the assault rendered assistance.

16 5.781 Since the attack, Ms. Raketty has had difficulty walking, was forced to cancel an upcoming
17 trip, and has been unable to listen to vinyl records, which was one of her greatest passions.
18 Ms. Raketty must wear shooting-range-style protective earmuffs when in loud
19 environments, which hampers her ability to do interviews when covering protests or
20 similarly loud events.

21 5.782 As a direct and proximate result of the explosive device used on her by the City and SPD,
22 Ms. Raketty suffered pain, trauma, and other damages, including but not limited to: hearing
23 loss, disability, a mobility-impairing injury to her knee, and anxiety. Ms. Raketty also

suffered infringement upon her constitutional rights.

Javier Rizo

5.783 Javier Rizo is 25 years old and grew up here in Washington State. He recently completed his studies in international business at Seattle Pacific University.

5.784 Mr. Rizo has long been involved in social change movements, believing in the importance of speaking out and demonstrating.

5.785 Mr. Javier Rizo was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.786 On September 17, 2020, Mr. Rizo arrived at the International District light rail station to a join a BLM protest headed to the SPOG headquarters. About 30 seconds after their arrival, police came out from behind the building and began discharging flashbangs, blast balls, and tear gas.

5.787 Mr. Rizo heard no dispersal orders.

5.788 He was walking backwards when the advancing officers accelerated.

5.789 He felt the shockwave of a blast ball or flash band grenade explode near his head. It hit his right hand and exploded.

5.790 Mr. Rizo knew he was hurt but kept moving as police charged at him. He was in shock as felt blood soak through his jacket. Police did not render aid.

5.791 A fellow protester saw Rizo's hand and called for a medic.

5.792 Police would not allow them to stop to bandage the injury, so Mr. Rizo had to keep moving while medics assisted him.

5.793 At one point, the group was forced to run while the medic radioed to the truck used for medical transport. The exit to the parking lot was blocked by the police.

1 5.794 Once Mr. Rizo arrived at Harborview, he was so weak from blood loss he could barely get
2 out of the truck.

3 5.795 The blast ball nicked an artery and Mr. Rizo was hospitalized for several days because the
4 doctors could not stop the bleeding.

5 5.796 Mr. Rizo lost half an inch of nerve in his right hand.

6 5.797 On September 18, 2020, he had nerve graft surgery. He still cannot feel parts of his hand.



22 5.798 As a direct and proximate result of the explosive and chemical weapons used on him by
23 the City and SPD, Mr. Rizo suffered pain, trauma, and other damages, including but not

1 limited to: hand and nerve injury and disfigurement; temporary disability of his dominant
2 hand; potentially life-threatening blood loss; PTSD; and emotional distress. Mr. Rizo also
3 suffered infringement upon his constitutional rights.

4 **Alexander Ruedemann**



13 5.799 Alex Ruedemann was a 37-year-old professional cook for nearly 10 years prior to COVID-
14 19.

15 5.800 Mr. Ruedemann was at all relevant times a peaceful protester. He incorporates by reference
16 paragraph 5.185, *supra*.

17 5.801 On July 25, 2020 around 11:00 a.m. Mr. Ruedemann went to Westlake Center in downtown
18 Seattle to march with thousands of other protesters. The protest was to show solidarity with
19 Portland BLM protesters who had been tear gassed by federal agents the week prior.

20 5.802 Mr. Ruedemann marched to 11th and Pine in Capitol Hill around 3:00 p.m. where he noticed
21 SPD officers were coming out with gas masks, shields, and padding. He put on his helmet,
22 gas mask, knee pads, and pulled out an umbrella for his protection.

23 5.803 Mr. Ruedemann joined other protesters on the street outside of Seattle Central Community

College. He was on the front line facing the police approximately 10 feet away.

5.804 Without warning, the police began shooting projectiles into the crowd and pepper spraying protesters at the front of the line. Mr. Ruedemann held his umbrella for protection while the police pepper sprayed, tear gassed, and pushed him back.

5.805 A projectile hit Mr. Ruedemann's knee which had been previously injured. This forced him to the ground and blood began to seep down his leg.

5.806 Protesters nearby pulled Mr. Ruedemann from the scene toward volunteer medics and drove him to the emergency room at Harborview Medical Center, where doctors determined he needed arthroscopic surgery on his knee and treatment for a deep laceration on his leg.



5.807 Mr. Ruedemann's injuries have impaired his ability to participate in protests or seek employment due to his mobility related disability.

5.808 As a direct and proximate result of the chemical weapons used on him by the City and SPD, Mr. Ruedemann suffered pain, trauma, and other damages, including but not limited to: deep laceration on his right leg, injury to his knee requiring surgery, loss of mobility, and lost employment opportunities. Mr. Ruedemann also suffered infringement upon his constitutional rights.

Michaud Savage



5.809 Michaud Savage is a 34-year-old professional musician who also teaches music. He is a Seattle native deeply committed to racial justice and civil rights.

5.810 Mr. Savage was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.811 On July 25, 2020, Mr. Savage was on the corner of Broadway and Pine with members of the media when police began to shout, "Move back!" and began pushing the crowd west toward Harvard Ave with their bikes.

5.812 He moved into the roadway with the media to get a better view of the events and was peppered sprayed in the face by the police causing extreme burning and irritation to his eyes and face.

5.813 The police began throwing flashbangs causing shrapnel to hit his right arm and foot.



5.814 As a direct and proximate result of the excessive force and chemical weapons used on him by the City and SPD, Mr. Savage suffered pain, trauma, and other damages, including but not limited to: eye irritation, chemical exposure, hand pain and sensitivity, hearing damage, hypersensitivity to loud sounds, and PTSD. Mr. Savage was unable to work for several days following this assault. Mr. Savage also suffered infringement upon his constitutional rights.

Carolyn Sterner



1 5.815 Carolyn Sterner is a college student enrolled at New York University. In March 2020, she
2 returned home to live with her sister in Seattle due to the pandemic.

3 5.816 Ms. Sterner attended her first protest on June 6, 2020, feeling compelled to support the
4 BLM movement after George Floyd's death.

5 5.817 Ms. Sterner was at all relevant times a peaceful protester. She incorporates by reference
6 paragraph 5.185, *supra*.

7 5.818 On June 7, 2020, Ms. Sterner attended another BLM protest with her sister. They arrived
8 at 2 p.m. and remained for the rest of the day.

9 5.819 Around midnight, the police began advancing on the crowd quickly. A dispersal order was
10 issued after police had already started to advance.

11 5.820 While she attempted to retreat, police deployed teargas, pepper spray, and started throwing
12 flashbang grenades and shooting rubber bullets into the crowd.

13 5.821 Shortly after midnight, a flashbang grenade was launched and exploded next to Ms.
14 Sterner's right foot.

15 5.822 Ms. Sterner lost hearing in both of her ears. The hearing in her left ear came back within
16 minutes while the hearing in her right ear did not return for about 12 hours.

17 5.823 On July 25, 2020, Ms. Sterner attended another protest with her sister. They joined a march
18 at 2 p.m. that circled the Capitol Hill neighborhood starting at Cal Anderson Park to the
19 East Precinct.

20 5.824 At approximately 4:30 p.m., Ms. Sterner heard loud popping and banging noises coming
21 from the front of the East Precinct.

22 5.825 Ms. Sterner walked up to the front of the protest line with her umbrella open to fill a gap
23 in the line. Within 30 seconds, and without warning, police started rolling and throwing

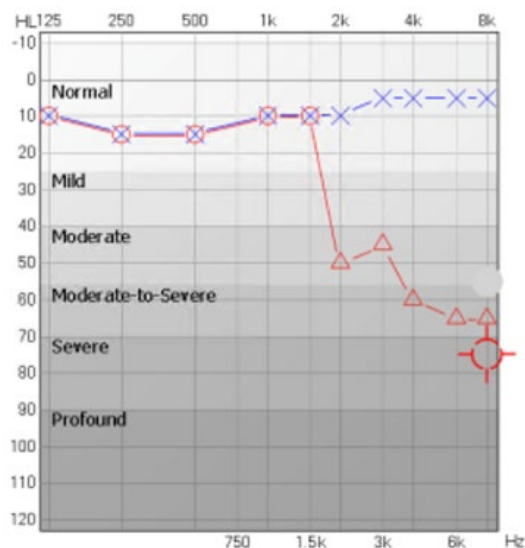
flashbangs and blast balls at protesters.

5.826 Ms. Sterner attempted to shield her legs with her umbrella from the explosions. Shocks sent her backwards, causing her to fall, knocking her helmet off.

5.827 As Ms. Sterner was assisted back up by a fellow protester, she realized she had lost hearing in both of her ears again. A powerful, head-splitting ringing filled her ears.

5.828 Police continued to push the protesters around the streets, leaving Ms. Sterner disorientated and shaken.

5.829 A few days later, Ms. Sterner sought treatment at Swedish Audiology. A hearing test indicated moderate to severe hearing loss in her right ear. She was diagnosed with sensorineural hearing loss and was told the damage is likely permanent.



5.830 As a direct and proximate result of the force used on her by the City, and SPD, Ms. Sterner suffered pain, trauma, and other damages, including but not limited to: permanent sensorineural hearing loss, PTSD, nightmares, anxiety, chronic migraines, nausea, insomnia and agoraphobia. Ms. Sterner also suffered infringement upon her constitutional rights.

Sean Swanson



5.831 Sean Swanson is a 31-year-old service industry worker from Seattle.

5.832 Mr. Swanson was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.833 On June 6th, 2020, around 7:30 p.m. Mr. Swanson was protesting near the East Precinct in Capitol Hill, and documenting the protests by video.

5.834 Mr. Swanson started out three or four people from the front of the line, but as the SPD advanced on the crowd he was pushed to the front of the line.

5.835 Mr. Swanson repeatedly asked the police how far back the protesters needed to go but received no answer.

5.836 While he was retreating, he turned to his right and witnessed officers attacking a protester.

5.837 As Mr. Swanson looked back in front of him, suddenly without warning Officer Goodwin, Badge No. 8377, forced his bike into Mr. Swanson pushing him backwards and giving him a large bruise on his hip.

1 5.838 On July 25, 2020, around 3:30 p.m. Mr. Swanson and his partner, Tia Camarillo, marched
2 past the youth jail to the East Precinct where they noticed a large number of officers.

3 5.839 Mr. Swanson and Ms. Camarillo were on the north side of Pine Street when the police
4 began pushing them and other protesters backwards.

5 5.840 As Ms. Camarillo tried to protect another protester who was being punched and arrested
6 by an officer, another officer grabbed Ms. Camarillo and took her to the ground.

7 5.841 Mr. Swanson instinctively reached out to Ms. Camarillo but as he did another officer leapt
8 over the trunk of a car and struck Mr. Swanson.

9 5.842 Mr. Swanson fell to the ground where a blast ball exploded under his hip.

10 5.843 As he lay on the ground, he saw Ms. Camarillo face-down on the cement reaching out to
11 him as she was arrested.

12 5.844 Mr. Swanson returned home that night, covered in pepper spray, and focused on contacting
13 Ms. Camarillo – who was not released from jail until days later.

14 5.845 As a result of this incident Mr. Swanson suffered a large contusion to his hip and trauma
15 over seeing his partner violently arrested.



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22 5.846 On September 7, 2020, Mr. Swanson attended a protest near SPOG headquarters. The
23 police deployed chemical agents that burned Mr. Swanson's skin.

1 5.847 On September 23, 2020, Mr. Swanson attended a protest to show solidarity with Louisville
2 where Breonna Taylor was killed. Mr. Swanson and other protesters marched from
3 downtown, to Cal Anderson Park, and then toward the East Precinct.

4 5.848 As the protesters marched toward the East Precinct the officers indiscriminately pepper
5 sprayed protesters and threw blast balls at the marchers.

6 5.849 Mr. Swanson was near the front of the march. Blast balls exploded near his feet, head, and
7 in multiple other areas nearby him.

8 5.850 As a direct and proximate result of the explosive devices, chemical weapons, violent
9 physical force used on him and his partner by the City and SPD, Mr. Swanson suffered
10 pain, trauma, and other damages, including but not limited to: irritation to his skin and
11 eyes, bruising, tinnitus, difficulty sleeping, nightmares, and PTSD. Mr. Swanson also
12 suffered infringement upon his constitutional rights.

13 **Meghan Thompson**



21 5.851 Meghan Thompson is a 35-year-old resident of Capitol Hill and single mother of two
22 children. She joined the protests because of her conviction that police were getting amnesty
23 for homicide and brutality against people of color.

1 5.852 Ms. Thompson was at all relevant times a peaceful protester. She incorporates by reference
2 paragraph 5.185, *supra*.

3 5.853 On June 7, 2020 around 6:00 p.m. Ms. Thompson joined the protest in Capitol Hill at 10th
4 and Pine.

5 5.854 Ms. Thompson peacefully protested with the crowd until shortly after midnight when the
6 police suddenly decided to pepper spray everyone, including Ms. Thompson. The police
7 sprayed her in the eyes and she retreated.

8 5.855 As she was 20 feet from the police and backing away with her hands up, the police threw
9 a flash bang grenade that exploded on her left shin.

10 5.856 Ms. Thompson ran around a corner to a medical tent to seek treatment, but the police
11 followed her and sprayed the tent with tear gas.

12 5.857 Shocked and panicked, she began to hyperventilate and had severe burning in her throat
13 and lungs.

14 5.858 In her state of panic, she fled through Cal Anderson Park and made it home where her mom
15 tended to the wound on her leg.



23 5.859 As a direct and proximate cause of the police chemical weapons, explosives and impact

projectiles used on Ms. Thompson, she suffered: pain, trauma, and other damages, including but not limited to: contusions on her left leg, chemical irritants in her eyes, throat, and lungs, and significant menstrual changes. Ms. Thompson also suffered infringement upon her constitutional rights.

Bruce Tom



5.860 Bruce Tom is a 58-year-old independent photographer specializing in documentary photography of arts, culture, music, theater, and travel.

5.861 Mr. Tom was at all relevant times a peaceful protester and clearly visible as a member of the media. He incorporates by reference paragraph 5.185, *supra*.





5.862 On June 7, 2020, Mr. Tom was in Capitol Hill at the intersection of 11th Avenue and Pine Street, taking photographs as he moved back and forth along the space between the protesters and the line of SPD officers.

5.863 SPD officers deployed pepper spray at the crowd, covering Mr. Tom with spray on his mask, clothing, and neck.

5.864 As SPD officers began to fire explosive projectiles at the protesters, Mr. Tom repeatedly identified himself as “press,” but SPD officers ignored him. One SPD officer replied, “I don’t care who you are.”

5.865 Mr. Tom was struck by multiple projectiles fired by the police in short succession. A projectile hit Mr. Tom’s camera bag. A second exploded at his feet. And a third struck his buttock.



1 5.866 Mr. Tom removed his mask to gasp for air but instead he inhaled gas. Mr. Tom dropped
2 to his knees, vomiting phlegm, unable to see or breathe. Two volunteer medics help him to
3 safety.

4 5.867 Over the following days, Mr. Tom experienced burning eyes and throat, a dry cough and
5 shortness of breath, days of diarrhea, fatigue, and other cognitive and psychological
6 symptoms.

7 5.868 As a direct and proximate result of the chemical weapons, explosive devices, and other
8 projectiles used against him by the City and SPD, Mr. Tom suffered pain, trauma, and other
9 damages, including but not limited to: lacerations on his calf, contusion on his buttock,
10 difficulty breathing, burning of the eyes and throat, dry cough, diarrhea, fatigue, cognitive
11 impairments, and symptoms of psychological trauma, including but not limited to
12 overwhelming anxiety. Mr. Tom also suffered infringement upon his constitutional rights.

13 **Tiffany Vergara-Madden**



23 5.869 Tiffany Vergara-Madden is a 36-year-old hair stylist who lives in Capitol Hill.

1 5.870 Mrs. Vergara-Madden was at all relevant times a peaceful protester. She incorporates by
2 reference paragraph 5.185, *supra*.

3 5.871 On July 25, 2020, at approximately 2:00 p.m. Mrs. Vergara-Madden and her husband
4 joined the protests in Capitol Hill near East Pine Street.

5 5.872 When they arrived, police were already using force against protesters, and shrapnel from a
6 flashbang hit Mrs. Vergara-Madden in her calf. Shrapnel from the same blast hit her
7 husband.

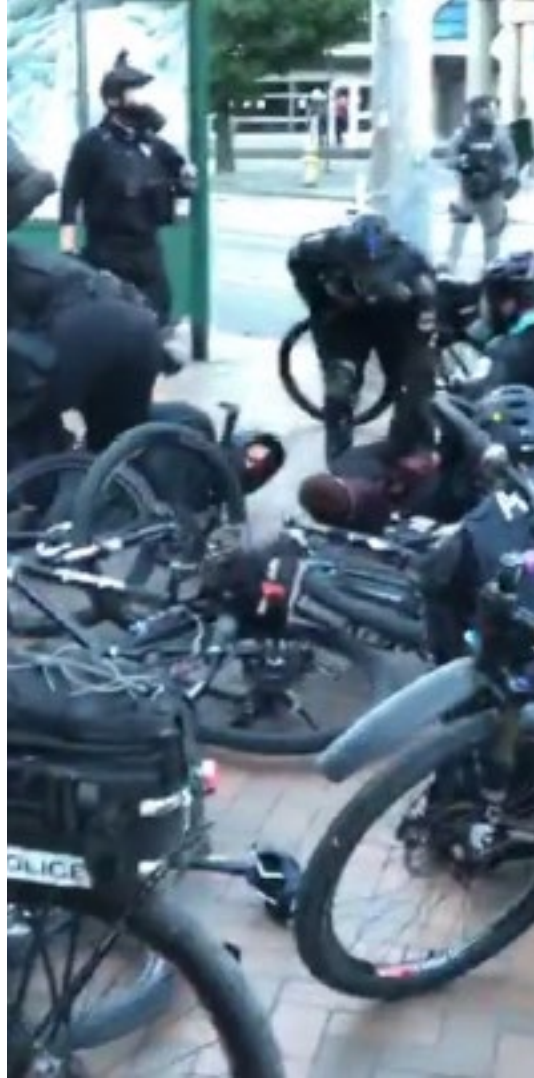
8 5.873 At approximately 6:00 p.m. they were at 11th Ave and East Pine Street when they saw a
9 man step into the street while recording the protests. A police officer ran over the man's
10 foot with their bike causing him to fall.

11 5.874 Her husband tried to help the man to his feet but was tackled to the ground by the police.

12 5.875 As Mrs. Vergara-Madden reached for her husband to help him she was also tackled by an
13 officer.

14 5.876 Multiple officers piled on top of her back, pinning her face down, and at least one officer
15 kneeled on her neck with intense pressure.

16 5.877 The officers tore off the motorcycle helmet she wore without loosening the chin strap,
17 causing her neck to wrench, and her facemasks to dislodge and cover her face.



5.878 Officers also cut the straps of her backpack with a knife and took it.

5.879 She was then handcuffed and transported to the East Precinct where she was kept in handcuffs for four hours, until approximately 11:00 p.m.

5.880 Mrs. Vergara-Madden felt pain in her shoulder, wrists, back, and neck. She was not able to hold her head upright.

5.881 Officers asked if she was injured and she said "Yes," but they did not evaluate her, send a medical professional to see her, or check her handcuffs.

5.882 At approximately 11:00 p.m. she was transferred to King County Jail.

1 5.883 She told the staff her neck was “hurt really bad,” but she did not receive any medical
2 treatment.

3 5.884 On July 26, 2020, in the morning a jail nurse evaluated her neck and told her that she should
4 be sent to the hospital because of the swelling.

5 5.885 Another nurse disregarded this advice and handled Mrs. Vergara-Madden’s neck very
6 roughly causing intense pain, acknowledging her neck was swollen but denying its
7 severity.

8 5.886 She was released from jail around 1:00 p.m. and she waited for her husband until he was
9 released around 5:00 p.m. By this time, she could not move her left arm.

10 5.887 At the hospital, Mrs. Vergara-Madden was diagnosed with bulging disc between her C-5
11 and C-6 vertebrae, with severe swelling in her neck.

12 5.888 As a direct and proximate result of the excessive force and chemical weapons used on her
13 by the City and SPD, her unlawful arrest, and her unlawful treatment at the King County
14 Jail, Mrs. Vergara-Madden suffered pain, trauma, chemical exposure, wrongful arrest, and
15 other damages, including but not limited to: neck injury, calf injury, loss of mobility in the
16 left arm, bulging disc, neck swelling, PTSD, and the effects of being accused of a crime
17 she did not commit, including but not limited to injury to reputation. Mrs. Vergara-Madden
18 was unable to work for over a month following this assault. Mrs. Vergara-Madden also
19 suffered infringement upon her constitutional rights.

Aliye Volkan



5.889 Aliye Volkan is a 24-year-old Turkish-American student who recently graduated from the University of Washington. Ms. Volkan spent much of her life in Istanbul, Turkey, where she attended protests and observed oppressive police tactics against civilians.

5.890 Ms. Volkan was at all relevant times a peaceful protester. She incorporates by reference paragraph 5.185, *supra*.

5.891 Ms. Volkan attended several BLM/George Floyd protests in downtown Seattle and Bellevue, where she was tear gassed, causing a burning sensation in her eyes and throat.

5.892 On June 6, 2020, Ms. Volkan was in a crowd of protesters when SPD officers directed them to move back as others began to push forward into them. Ms. Volkan ran away from the police lines and hid behind a utility box.

5.893 Suddenly, an SPD officer launched a projectile that exploded in a burst of flame on the right side of Ms. Volkan's torso. The force of the explosion ripped holes in Ms. Volkan's jacket, blasted off and abraded her skin, and inflicted a large wound on her upper torso.



5.894 As a direct and proximate result of the explosive device used on her by the City and SPD, Ms. Volkan suffered pain, trauma, and other damages, including but not limited to: a laceration on her torso, muscle soreness and aching, fatigue, anxiety, and insomnia. Ms. Volkan also suffered infringement upon her constitutional rights.

Steven Widmayer



5.895 Steven Widmayer is a 65-year-old cybersecurity professional who has written two screen plays and a documentary, and suffers from COPD. He lives a block across from Cal

Anderson Park.

5.896 Mr. Widmayer was at all relevant times a peaceful protester. He incorporates by reference paragraph 5.185, *supra*.

5.897 On June 1, 2020, around 6:00 p.m. Mr. Widmayer joined the protests in Capitol Hill just block from his house with his daughter Mila.

5.898 Shortly after dark the police began launching projectiles into the crowd including pepper spray, rubber bullets and flash bang grenades.

5.899 Mr. Widmayer retreated home and as he was about 20 feet from his door an officer pepper spray him directly in his eyes.

5.900 On June 2, 2020, Mr. Widmayer again joined the protests in Capitol Hill for several hours but at around 9:30 returned home at the first sign of the police escalation fearing excessive force by the police.

5.901 Officers launched pepper spray, tear gas, and plastic and rubber bullets into the crowd.

5.902 Mr. Widmayer, who just returned home, opened his door to let the protesters in and an officer threw a tear gas cannister at him. The chemicals filled his apartment.

5.903 On June 7, 2020, Mr. Widmayer returned to the protests to listen to the speakers and show his support when Nikolas Fernandez sped past him toward a crowd of protesters.

5.904 Later that day around 9:30 Mr. Widmayer was on Broadway and Pine Street behind a medical tent, when officers launched projectiles directly into the crowd.

5.905 The police used much more tear gas on this day and Mr. Widmayer was forced to retreat into his apartment.

5.906 The gas in his apartment lingered in the air for hours, aggravating his COPD and leaving a coating of chemicals throughout his apartment.

1 5.907 As a direct and proximate result of the chemical weapons used on him by the SPD, Mr.
2 Widmayer suffered pain, trauma, and other damages, including but not limited to: intense
3 irritation to his lungs and throat, difficulty breathing, chest pain, skin irritation, burning
4 and watery eyes, and respiratory disfunction. Mr. Widmayer also suffered infringement
5 upon his constitutional rights.

6 **Joey Wieser**



15 5.908 Joey Wieser is 29 years old and works as a YouTube channel manager for a local company.
16 Since the protests began, he has documented police interactions with protesters by
17 livestreaming those interactions as a freelance journalist.

18 5.909 Mr. Wieser was at all relevant times a peaceful protester and a member of the independent
19 media. Mr. Wieser incorporates by reference paragraph 5.185, *supra*.

20 5.910 On June 1, 2020, around 5:45 p.m., Mr. Wieser joined protesters in a march from Westlake
21 Park to Capitol Hill. By 7:25 p.m. Mr. Wieser made it to the SPD's East Precinct and was
22 peacefully documenting the protests via photo and video.

23 5.911 At no time did he hear the SPD give an order to disperse or warn of the possible use of tear

1 gas or blast balls.

2 5.912 Suddenly, around 9-9:30 pm, he was exposed to loud blast balls, tear gas and pepper spray
3 as the police attempted to disperse the crowd.

4 5.913 On June 2, 2020, Mr. Wieser attended protests in Capitol Hill near the East Precinct. The
5 crowd was large, and although a few isolated people were throwing things like water
6 bottles, it was mostly peaceful. Suddenly, around 11:30 pm, the police indiscriminately
7 fired numerous projectiles including tear gas and blast balls – continuing even after the
8 crowd attempted to retreat.

9 5.914 On June 7, 2020, Mr. Wieser attended protests in Capitol Hill. Mr. Wieser was near the
10 front of a crowd facing dozens of officers amassed in full riot gear outside of the East
11 Precinct.

12 5.915 Shortly after midnight, a person from inside the crowd lobbed a water bottle over the
13 protesters in front of him. As the protesters at the front turned to chastise the protester who
14 threw the bottle, multiple officers began spraying OC spray at the numerous peaceful
15 protesters at the front of the crowd, including Mr. Wieser.

16 5.916 Mr. Wieser and the protesters backed up, some raising umbrellas to shield themselves from
17 the worst of the gas. Within seconds, police began indiscriminately firing numerous
18 projectiles including tear gas and blast balls into the crowd, some of which exploded near
19 Mr. Wieser's arms, head, and feet. Only after this barrage began did the SPD issue a verbal
20 order to disperse.

21 5.917 Although the protesters backed away from the mass of officers guarding the East Precinct,
22 the SPD continued indiscriminately firing projectiles including blast balls and tear gas,
23 many of which physically struck protesters including Mr. Wieser.



5.918 During this protest, Mr. Wieser witnessed the SPD deliberately fire a blast ball directly into the chest of Plaintiff Aubreanna Inda, who went into cardiac arrest three times due to her injuries. Later, Mr. Wieser also witnessed an unarmed Black man who was knocked to the ground with a rubber bullet, and Ned Farmer, a member of the media, who was rendered unconscious by a blast ball.

5.919 On July 1, 2020, Mr. Wieser attended protests in Capitol Hill. That morning the SPD had cleared out CHOP and the surrounding area by order of Mayor Durkan.

5.920 That evening lines of officers in full riot gear were enforcing that order at the borders of the cleared out zone – using flimsy yellow caution tape and “No Parking” A-frame signs as the “barrier” between the enforcement zone and the areas where protesters were allowed to assemble, verbally instructing protesters to stay behind the edge of the crosswalk, and periodically advancing and retreating the line of officers in a haphazard and seemingly arbitrary manner.

5.921 During this encounter, Mr. Wieser was exposed multiple times to blast balls launched into and even behind the crowd.

1 5.922 On July 2, 2020, Mr. Wieser attended protests in Capitol Hill. Like the day before, the
2 protest took place on the edge of the cleared out zone where CHAZ/CHOP had been. And
3 like the day before, the police were enforcing that zone in a similar manner.

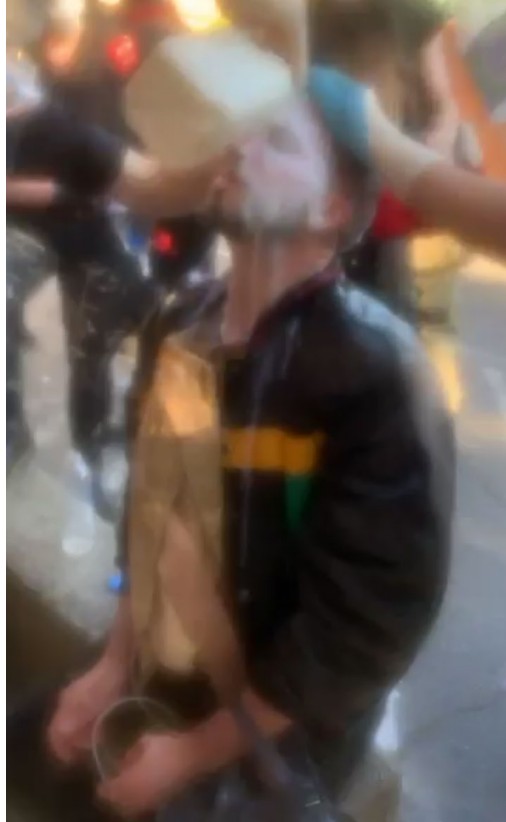
4 5.923 Suddenly and without warning, around 12:30 am, the SPD rushed forward, and Mr. Wieser
5 was sprayed in the face with OC spray.

6 5.924 On July 25, 2020, Mr. Wieser attended protests in Capitol Hill. This was the weekend the
7 SPD engaged in an “all-out assault” on civilians, and that led to the August 10, 2020
8 revision of the federal court’s Preliminary Injunction, adding to its protections.

9 5.925 The SPD used blast balls, OC spray, and physical violence to force the protesters to move
10 back, over and over.

11 5.926 During this process, despite moving back, being peaceful, and announcing himself as
12 media, Mr. Wieser was shoved by an officer, and then hit in the mouth and face with OC
13 spray. Mr. Wieser was also exposed to other chemical irritants used generally on the
14 protesters.





5.927 On October 3, 2020, Mr. Wieser attended protests in Capitol Hill during which, without warning, provocation, or cause, the SPD unlawfully arrested Mr. Wieser. He was released less than 30 minutes later.

5.928 As a direct and proximate result chemical weapons used on him by the SPD, Mr. Wieser suffered pain, trauma, and other damages, including but not limited to: intense irritation to his lungs and throat, difficulty breathing, chest pain, skin irritation, burning/watery eyes, temporary blindness and respiratory disfunction, blood in his ear, chemical burns, lacerations, nightmares, loss of sleep, PTSD, and unlawful detainment. Mr. Wieser also suffered infringement upon his constitutional rights.

Gillian Williams



5.929 On June 7, 2020, around 7:00 pm, 35-year-old Gillian Williams attended the BLM/George Floyd protests in Capitol Hill at 11th and Pine near the police line. Ms. Williams is a carpenter who teaches carpentry skills to Seattle high schoolers. She saw many of her students of color attending the protest and wanted to support them.

5.930 Ms. Williams was at all relevant times a peaceful protester. Ms. Williams incorporates by reference paragraph 5.185, *supra*.

5.931 Around midnight, Ms. Williams heard the police instructing the crowd to disperse.

5.932 Ms. Williams attempted to follow the order, but was confused about where to disperse, as the police did not direct the crowd.

5.933 Ms. Williams was standing on the sidewalk, trying to get her bearing, looking for the best way to leave the area.

5.934 Suddenly, before she could find a path out, the police began to deploy tear gas and other projectiles.

5.935 Ms. Williams was hit multiple times – two projectiles exploded near her legs, one hit her

forearm, and she was sprayed with green dye.



5.936 As a direct and proximate result chemical weapons used on her by the SPD, Ms. Williams suffered pain, trauma, and other damages, including but not limited to: a bone contusion, nerve damage, muscle damage, chemical burns, and PTSD. Ms. Williams also suffered infringement upon her constitutional rights.

Quinn Zoschke



5.937 Quinn Zoschke is a 33-year-old bartender at Streamline Tavern in Capitol Hill. He is

1 married with kids.

2 5.938 Mr. Zoschke was at all relevant times a peaceful protester. Mr. Zoschke incorporates by
3 reference paragraph 5.185, *supra*.

4 5.939 On June 6, 2020 around 7 p.m., Mr. Zoschke attended the BLM/George Floyd protests in
5 Capitol Hill near Cal Anderson Park with his wife and friends.

6 5.940 Around 7:25 pm, Mr. Zoschke and his friend walked to East Pine and 11th Ave in front of
7 the police precinct to gather with peaceful protesters.

8 5.941 The police began to put on tactical gas masks.

9 5.942 Mr. Zoschke was 15-20 yards from the barricades surrounding the police precinct when he
10 put on sunglasses and raised both his hands in the air and began to retreat.

11 5.943 Suddenly, Mr. Zoschke heard explosions. The SPD began firing flashing bangs, tear gas
12 and rubber bullets into the crowd of protesters.

13 5.944 Mr. Zoschke was hit in his right leg with a flash bang canister and it exploded on his right
14 foot.



1 5.945 The blast disoriented Mr. Zoschke as he was trying to leave the area.

2 5.946 Suddenly, before he could regain his bearings and leave the area, the police fired a
3 projectile, hitting his face.



11 5.947 Mr. Zoschke lost hearing for a few minutes and could only hear a high-pitched sound,
12 causing him further disorientation.

13 5.948 He then ran to shelter down a staircase going into Cal Anderson Park.

14 5.949 The SPD followed him and fired projectiles down the staircase.

15 5.950 After fleeing that area Mr. Zoschke was met his wife and was treated by a volunteer medic
16 near Harvard and East Pike Street.

17 5.951 As a direct and proximate result of chemical weapons and projectiles used on him by the
18 City and SPD, Mr. Zoschke suffered pain, trauma, and other damages, including but not
19 limited to: an abrasion of anterior right lower leg, damage to his face, temporary loss of
20 hearing, and PTSD. Mr. Zoschke also suffered infringement upon his constitutional rights.

1 **SPECIFIC CAUSES OF ACTION**¹⁶⁵

2 **VI. NEGLIGENCE**
3 **AGAINST CITY OF SEATTLE AND STATE OF WASHINGTON**
4 **BY PLAINTIFF SUMMER TAYLOR**

5 6.1 Defendants City of Seattle and State of Washington had a duty to exercise ordinary care
6 and to act in a manner that a reasonably careful person would have under the same or
7 similar circumstances.

8 6.2 Defendants City of Seattle and State of Washington had duties to use reasonable police
9 practices to protect and safeguard protesters, bystanders, and other members of the public
10 from foreseeable danger, especially when the risk of harm is created and/or increased by
11 Defendants' acts or omissions. RCW 4.96.010; RCW 4.92.090.

12 6.3 Defendants City of Seattle and State of Washington negligently violated its own policies
13 and reasonable police practices and failed to exercise reasonable care regarding the
14 protection of protesters from reasonably foreseeable dangers such as vehicular traffic,
15 counter-protesters, or others, including but not limited to their failure to:

- 16 6.3.1 conduct appropriate pre-incident planning with clear strategies and objectives;
- 17 6.3.2 deploy appropriate equipment and/or personnel to the protests;
- 18 6.3.3 communicate plans and/or instructions to officers;
- 19 6.3.4 block off streets and freeway ramps;
- 20 6.3.5 utilize signage, announcements, or alerts to warn and direct traffic away from
21 known protest areas;

22 ¹⁶⁵ Plaintiffs have amended their Complaint to conform with the Court's recent Orders on the 12(b)(6) motions of
23 Defendants City of Seattle (ordered February 19, 2021) and King County (ordered March 26, 2021), including the
24 removal of legal claims that the Court has dismissed either with or without prejudice. By removing these causes of
action from this version of the Complaint, Plaintiffs do not waive their right to appeal those decisions at the appropriate
juncture.

6.3.6 employ patrol cars with flashing lights, or the manual direction of traffic by officers, to clearly warn any traffic; and/or

6.3.7 accurately communicate with protesters and/or drivers regarding safety measures taken, or not.

6.4 Defendants City of Seattle and State of Washington negligently failed to properly train their officers, employees, and other agents.

6.5 Defendants City of Seattle and State of Washington negligently failed to properly supervise their officers, employees, and other agents.

6.6 Defendants City of Seattle and State of Washington negligently failed to monitor, investigate, and otherwise prevent the members of its law enforcement forces from harboring implicit bias against BLM/George Floyd protesters, which bias played a role in the actions and misconduct of the police.

6.7 As a direct and proximate result of Defendants' violations, Plaintiffs suffered damages.

6.8 The individual officers employed by Defendant City of Seattle were acting within the course and scope of their employment with the City at the time of the above-described acts and omissions, and in furtherance of the City's business. Defendant City of Seattle is vicariously liable for the negligence of the individual officers under *respondeat superior*.

6.9 The individual officers employed by Defendant State of Washington were acting within the course and scope of their employment with the State at the time of the above-described acts and omissions, and in furtherance of the State's business. Defendant State of Washington is vicariously liable for the negligence of the individual officers under *respondeat superior*.

**VII. NEGLIGENCE
AGAINST DAWIT KELETE
BY PLAINTIFF SUMMER TAYLOR**

7.1 Defendant Dawit Kelete had a duty to exercise ordinary care and to act in a manner that a reasonably careful person would have under the same or similar circumstances.

7.2 Defendant Dawit Kelete negligently failed to exercise reasonable care in the operation of his vehicle, including but not limited to the following:

7.2.1 failing to operate his motor vehicle in a safe, prudent, and reasonable manner;

7.2.2 failing to keep a proper lookout;

7.2.3 failing to operate his vehicle at a safe speed for the conditions;

7.2.4 failing to control his speed to avoid colliding with others;

7.2.5 failing to obey posted highway signs;

7.2.6 driving the wrong and opposite direction onto a one-way freeway exit ramp;
and

7.2.7 driving while under the influence of amphetamine and methamphetamine drugs.

7.3 As a direct and proximate result of Defendant's negligence, Plaintiffs suffered damages.

**VIII. NEGLIGENCE
AGAINST CITY OF SEATTLE
BY ALL PLAINTIFFS**

8.1 Defendant City of Seattle had a duty to exercise ordinary care and to act in a manner that a reasonably careful person would have under the same or similar circumstances.

8.2 Defendants City of Seattle and State of Washington had duties to use reasonable police practices to protect and safeguard protesters, bystanders, and other members of the public from foreseeable danger, especially when the risk of harm is created and/or increased by

Defendants' acts or omissions. RCW 4.96.010; RCW 4.92.090.

8.3 Defendant City of Seattle (through the SPD) negligently violated its own policies and reasonable police practices and failed to exercise reasonable care regarding the use of force by officers at the protests, including but not limited to the negligent failure to:

8.3.1 conduct appropriate pre-incident planning with clear strategies and objectives;

8.3.2 deploy appropriate equipment and/or personnel to the protests;

8.3.3 communicate plans and/or instructions to officers;

8.3.4 de-escalate conflict;

8.3.5 avoid unreasonably escalating conflict;

8.3.6 communicate instructions and/or warnings to protesters;

8.3.7 provide protesters reasonable opportunity to comply with instructions and/or warnings;

8.3.8 ensure all applications of force are reasonable, necessary, proportional and individualized;

8.3.9 prohibit unreasonable methods of force, including but not limited to: using "less lethal" force to reroute and/or disperse crowds without proper determination that dispersal is appropriate, using "less lethal" force in an excessively harmful manner such as by targeting in unreasonably close proximity to people or targeting improper parts of the body, and using "area effect" weapons such as tear gas, blast balls, and OC spray with disregard for the harm caused to peaceful protesters and others in the vicinity of that effect;

8.3.10 render reasonable medical aid to those people injured by the SPD's conduct;

8.3.11 prohibit officers from using methods of force for which they do not have the

proper training or instruction;

8.3.12 prohibit the disproportionate use of force against Black people, People of Color, and other historically marginalized people;

8.3.13 prohibit the use of force against or with disregard for protected speech and assembly.

8.4 Defendant City of Seattle negligently failed to monitor, investigate, and otherwise prevent the members of its law enforcement forces from harboring implicit bias against BLM/George Floyd protesters, which bias played a role in the actions and misconduct of the police.

8.5 Defendant City of Seattle negligently failed to properly train its officers, employees, and other agents.

8.6 Defendant City of Seattle negligently failed to properly supervise its officers, employees, and other agents.

8.7 As a direct and proximate result of Defendant's violations, Plaintiffs suffered damages.

8.8 The individual officers employed by Defendant City of Seattle were acting within the course and scope of their employment with the City at the time of the above-described acts and omissions, and in furtherance of the City's business. Defendant City of Seattle is vicariously liable for the negligence of the individual officers under *respondeat superior*.

**IX. NEGLIGENCE
AGAINST KING COUNTY
BY PLAINTIFFS COONEY, FOWLER, GREGSON, J. KOENIGSBERG, LOOK,
MILLS, PEACOCK, POUILL, AND VERGARA-MADDEN**

9.1 Defendant King County had a duty to exercise ordinary care and to act in a manner that a reasonably careful person would have under the same or similar circumstances.

9.2 Jailers have "a special relationship with inmates, creating an affirmative duty to provide

1 for inmate health, welfare, and safety.” *Gregoire v. City of Oak Harbor*, 170 Wn.2d 628,
2 639, 244 P.3d 924 (2010). Jailers owe a “direct duty to a prisoner in his custody to keep
3 him in health and free from harm, and for any breach of such duty resulting in injury he is
4 liable to the prisoner....” *Id.* at 635. It is “a positive duty arising out of the special
5 relationship that results when a custodian has complete control over a prisoner deprived of
6 liberty.” *Id.*

7 9.3 All local governments that own or operate adult correctional facilities must adopt standards
8 for the operation of those facilities, which must meet the federal and state constitutional
9 requirements relating to health, safety, and welfare of inmates. RCW 70.48.071.

10 9.4 In March 2020, due to the serious public threat of COVID-19, King County Jail instituted
11 a policy to not book people arrested on nonviolent misdemeanor charges.¹⁶⁶

12 9.5 On March 24, 2020, the Department of Adult and Juvenile Detention (DAJD) issued a
13 press release specifically stating:

14 9.5.1 Jails will not accept people brought in for misdemeanor charges, except for
15 misdemeanor assaults, violations of no contact or protection orders, DUIs, sex
16 crimes or other charges which present a serious public safety concern.

17 9.5.2 Jails will continue to accept people booked for felony investigations for now.
18 In the meantime, jail administrators have asked all law enforcement to
19 prioritize bookings for those who pose an imminent risk to public safety.¹⁶⁷

20 9.6 For individuals booked, King County specifically created additional policies to “ensure the
21

22 ¹⁶⁶ [https://southseattleemerald.com/2021/02/08/top-spd-officials-asked-king-county-jail-officials-to-override-covid-](https://southseattleemerald.com/2021/02/08/top-spd-officials-asked-king-county-jail-officials-to-override-covid-restrictions-and-book-nonviolent-protestors-they-complied/?amp)
23 [restrictions-and-book-nonviolent-protestors-they-complied/?amp](https://southseattleemerald.com/2021/02/08/top-spd-officials-asked-king-county-jail-officials-to-override-covid-restrictions-and-book-nonviolent-protestors-they-complied/?amp) (February 8, 2021).

¹⁶⁷ <https://www.kingcounty.gov/elected/executive/constantine/news/release/2020/March/24-jail-population.aspx>
24 (March 24, 2020).

health of everyone in correctional facilities during the COVID-19 pandemic,” including but not limited to:

9.6.1 Decreasing the number of incarcerated adults;

9.6.2 Restricting the type of bookings King County would accept;

9.6.3 Transferring anyone in custody not symptomatic but at a higher risk for severe complications from COVID-19 to a housing unit at the Maleng Regional Justice Center more conducive to social distancing and infection protection;

9.6.4 Increasing cleaning at all correctional facilities; and

9.6.5 Providing staff and inmates with masks.¹⁶⁸

9.7 Defendant King County negligently violated its own policies and reasonable correctional facility practices and failed to exercise reasonable care regarding the treatment of protesters being held in its correctional facilities, including but not limited to the negligent failure to:

9.7.1 Provide basic amenities such as food, water, soap, heat, pillows, blankets, and space to sleep;

9.7.2 Provide adequate medical screening and care;

9.7.3 Provide adequate sanitary conditions and safeguards against the transmission of communicable diseases to and among inmates, including but not limited to Covid-19; and

9.7.4 Avoid the harboring of implicit and/or explicit bias against BLM/George Floyd protesters, which bias played a role in the actions and misconduct of the County and its personnel.

¹⁶⁸ *Id.*; <https://kingcounty.gov/depts/jails/News/2020/April/03-reducing-population-covid-19.aspx> (April 3, 2020); <https://kingcounty.gov/depts/jails/covid-updates.aspx> (accessed December 7, 2020).

1 9.8 As a direct and proximate result of Defendant's violations, Plaintiffs suffered damages.

2 9.9 The individual officers, employees, and other agents employed by Defendant King County
3 were acting within the course and scope of their employment with the County at the time
4 of the above-described acts and omissions, and in furtherance of the County's business.
5 Defendant King County is vicariously liable for the negligence of the individual officers
6 under *respondeat superior*.

7 **X. VIOLATIONS OF RCW 10.79.060 - .150**
8 **RE: STRIP AND CAVITY SEARCHES**
9 **AGAINST KING COUNTY**
10 **BY PLAINTIFFS GREGSON, MILLS, PEACOCK, AND POUILL**

11 10.1 It is the intent of the legislature to restrict the practice of strip searching and body cavity
12 searching persons booked into holding, detention, or local correctional facilities to those
13 situations where such searches are necessary. RCW 10.79.060.

14 10.2 Strip search means having a person remove or arrange some or all of his or her clothing so
15 as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person
16 or breasts of a female person. RCW 10.79.070.

17 10.3 Body cavity search means the touching or probing of a person's stomach, rectum, or
18 vagina, whether or not there is actual penetration of the body cavity. RCW 10.79.070.

19 10.4 No person may be subjected to a body cavity search by or at the direction of a law
20 enforcement agency unless a search warrant is issued pursuant to superior court criminal
21 rules. RCW 10.79.080.

22 10.5 No person may be strip searched without a warrant unless:

23 (a) there is a reasonable suspicion to believe that a strip search is necessary to
24 discover weapons, criminal evidence, contraband, or other thing concealed on the
body of the person to be searched, that constitutes a threat to the security of a
holding, detention, or local correctional facility;

(b) there is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security; or

(c) there is a reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.

RCW 10.79.130.

10.6 Unless a person has been arrested for a violent offense as defined in RCW 9.94A.030, they may not be strip searched except upon an individualized determination of reasonable suspicion or probable cause, after reasonable efforts are made to use other less-intrusive means such as a pat-down, electronic metal detector, or clothing searches, and with specific prior written approval of the jail unit supervisor on duty. RCW 10.79.140.

10.7 A person who suffers damage or harm as a result of a violation of strip or body cavity search laws may bring a civil action to recover actual damages sustained by him or her. RCW 10.79.110.

10.8 Defendant King County (through its jail personnel) strip searched and/or body cavity searched Plaintiffs, without a warrant, reasonable suspicion, probable cause, or the other requirements of RCW 10.79 *et seq.*

10.9 Defendant King County's actions violated RCW 10.79.060 - .150. As a direct and proximate result of these violations, Plaintiffs suffered damages.

10.10 The individual officers, employees, and other agents employed by Defendant King County were acting within the course and scope of their employment with the County at the time of the above-described acts and omissions, and in furtherance of the County's business. Defendant King County is vicariously liable for the negligence of the individual officers under *respondeat superior*.

**XI. ASSAULT AND BATTERY
AGAINST CITY OF SEATTLE
BY ALL PLAINTIFFS**

11.1 Defendant City of Seattle (through the SPD) intended to cause fear and apprehension of an imminent harmful or offensive contact and committed acts that resulted in the Plaintiffs' fear or apprehension of such contact.

11.2 Defendant City of Seattle intended to touch Plaintiffs in a harmful or offensive manner and committed acts that resulted in harmful or offensive contact with Plaintiffs.

11.3 To the extent Defendant argues the force used was reasonable and necessary—that no reasonably effective alternative existed—Plaintiffs assert that Defendant's force was excessive, unnecessarily violent, and unreasonable.

11.4 As a direct and proximate result of these violations, Plaintiffs suffered damages.

11.5 The individual officers employed by Defendant City of Seattle were acting within the course and scope of their employment with the City at the time of the above-described acts and omissions, and in furtherance of the City's business. Defendant City of Seattle is vicariously liable for the negligence of the individual officers under *respondeat superior*.

**XII. ASSAULT AND BATTERY
AGAINST KING COUNTY
BY PLAINTIFFS GREGSON, LOOK, MILLS, PEACOCK, AND POULL**

12.1 Defendant King County intended to cause fear and apprehension of an imminent harmful or offensive contact and committed acts that resulted in the Plaintiffs' fear or apprehension of such contact.

12.2 Defendant King County intended to touch Plaintiffs in a harmful or offensive manner and committed acts that resulted in harmful or offensive contact with Plaintiffs.

12.3 To the extent Defendant argues the force used was reasonable and necessary—that no

1 reasonably effective alternative existed—Plaintiffs assert that Defendant’s force was
2 excessive, unnecessarily violent, and unreasonable.

3 12.4 As a direct and proximate result of these violations, Plaintiffs suffered damages.

4 12.5 The individual officers, employees, and other agents employed by Defendant King County
5 were acting within the course and scope of their employment with the County at the time
6 of the above-described acts and omissions, and in furtherance of the County’s business.
7 Defendant King County is vicariously liable for the negligence of the individual officers
8 under *respondeat superior*.

9 **XIII. FALSE IMPRISONMENT**
10 **AGAINST CITY OF SEATTLE**
BY ALL PLAINTIFFS

11 13.1 Defendant City of Seattle (through the SPD) unlawfully detained, restrained, and/or
12 imprisoned protesters, through actions including but not limited to physical force, threat of
13 force, and arrest.

14 13.2 To the extent Defendant City of Seattle argues their actions were justified, Plaintiffs assert
15 that Defendant’s actions were unreasonable and lacking probable cause.

16 13.3 As a direct and proximate result of these violations, Plaintiffs suffered damages.

17 13.4 The individual officers employed by Defendant City of Seattle were acting within the
18 course and scope of their employment with the City at the time of the above-described acts
19 and omissions, and in furtherance of the City’s business. Defendant City of Seattle is
20 vicariously liable for the negligence of the individual officers under *respondeat superior*.

21 **XIV. FALSE IMPRISONMENT**
22 **AGAINST KING COUNTY**
BY PLAINTIFFS COONEY, FOWLER, GREGSON, J. KOENIGSBERG, LOOK,
23 **MILLS, PEACOCK, POUILL, AND VERGARA-MADDEN**

24 14.1 Defendant King County unlawfully detained, restrained, and/or imprisoned protesters,

1 through actions including but not limited to physical force, threat of force, and arrest.

2 14.2 To the extent Defendant King County argues their actions were justified, Plaintiffs assert
3 that Defendant's actions were unreasonable and lacking probable cause.

4 14.3 As a direct and proximate result of these violations, Plaintiffs suffered damages.

5 14.4 The individual officers employed by Defendant King County were acting within the course
6 and scope of their employment with the County at the time of the above-described acts and
7 omissions, and in furtherance of the County's business. Defendant King County is
8 vicariously liable for the negligence of the individual officers under *respondeat superior*.

9 **XV. WA CONST, ART. I, SEC. 7**
10 **UNCONSTITUTIONAL EXCESSIVE FORCE & INVASION OF PRIVACY**
11 **AGAINST CITY OF SEATTLE**
12 **BY ALL PLAINTIFFS**

13 15.1 Under the Washington State Constitution Article I, Section 7, "No person shall be disturbed
14 in his private affairs, or his home invaded, without authority of law." This section is the
15 State law equivalent of the Fourth Amendment of the United States Constitution. It
16 guarantees the right to be free of unlawful arrest and excessive force by State and local
17 governments.

18 15.2 Section 7, however, "provides greater protection to individual privacy rights than the
19 Fourth Amendment." *State v. Phillip*, 9 Wn. App. 2d 464, 474, 452 P.3d 553 (Div. 1 2019)
20 (internal quotations omitted). It "recognizes an individual's right to privacy with no
21 express limitations," and "prohibits any invasion of an individual's right to privacy without
22 'authority of law.'" *Id.* (internal quotations omitted). The rights of individuals are "nearly
23 categorical," and there is no "good faith" or "reasonableness" exception. *Id.* at 474-75.

24 15.3 While Plaintiffs and those around them were peacefully protesting, and without any
imminent threat of danger to person or property or probable cause, the SPD repeatedly

exercised force through the use of chemical agents such as tear gas and OC/pepper spray; explosive blast balls and flash bangs; kinetic impact weapons such as “rubber bullets” i.e. baton rounds; batons; shields; and physical maneuvers.

15.4 The SPD exercised force without reasonable warnings to peaceful protesters in advance, and without allowing adequate time or avenues for peaceful protesters to vacate the area.

15.5 The SPD exercised force indiscriminately, without directing it at any specific person or people actually posing an imminent threat of danger to person or property (assuming such a person actually existed).

15.6 The SPD arrested, restrained, seized, kettled, corralled, and/or detained peaceful protesters without reasonable grounds to believe, or the actual belief, that a crime was being committed.

15.7 There was no lawful, reasonable, or rational justification for the type and degree of force and/or restraint used on the peaceful protester plaintiffs by Defendant City of Seattle (through the SPD).

15.8 The SPD’s widescale use of excessive force and unlawful restraint violated the peaceful protester plaintiffs’ rights under the Washington State Constitution Article I, Section 7.

15.9 The BLM/George Floyd protests continue to this day. Without significant changes to how the SPD and its officers operate, there remains an unacceptable risk that peaceful protesters and bystanders will continue to be harmed by the SPD’s excessive actions in the future. Numerous Plaintiffs are reluctant to continue protesting or have stopped protesting altogether because of injuries they have suffered and fear of similar future conduct by the SPD, which is itself a suppression of Plaintiffs’ constitutional rights. An injunction is warranted to prevent further future constitutional violations.

**XVI. INTRUSION INTO SECLUSION
AGAINST CITY OF SEATTLE
BY ALL PLAINTIFFS**

16.1 One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of their privacy, if the intrusion would be highly offensive to a reasonable person.

16.2 The invasion may occur by physical intrusion into a place in which the plaintiff has secluded themselves; by the use of the defendant's senses, with or without mechanical aids, to oversee or overhear the plaintiff's private affairs; by some other form of investigation or examination into their private concerns.

16.3 Defendant City of Seattle (through the SPD) committed the tort of intrusion into seclusion against Plaintiffs.

16.4 As a direct and proximate result of these violations, Plaintiffs suffered damages.

16.5 The individual officers employed by Defendant City of Seattle were acting within the course and scope of their employment with the City at the time of the above-described acts and omissions, and in furtherance of the City's business. Defendant City of Seattle is vicariously liable for the negligence of the individual officers under *respondeat superior*.

**XVII. WA CONST, ART. I, SEC. 7
UNCONSTITUTIONAL EXCESSIVE FORCE & INVASION OF PRIVACY
AGAINST KING COUNTY
BY PLAINTIFFS GREGSON, LOOK, MILLS, PEACOCK, AND POULL**

17.1 Under the Washington State Constitution Article I, Section 7, "No person shall be disturbed in his private affairs, or his home invaded, without authority of law." This section is the State law equivalent of the Fourth Amendment of the United States Constitution. It guarantees the right to be free of unlawful arrest and excessive force by State and local governments.

1 17.2 Section 7, however, “provides greater protection to individual privacy rights than the
2 Fourth Amendment.” *State v. Phillip*, 9 Wn. App. 2d 464, 474, 452 P.3d 553 (Div. 1 2019)
3 (internal quotations omitted). It “recognizes an individual’s right to privacy with no
4 express limitations,” and “prohibits any invasion of an individual’s right to privacy without
5 ‘authority of law.’” *Id.* (internal quotations omitted). The rights of individuals are” nearly
6 categorical,” and there is no “good faith” or “reasonableness” exception. *Id.* at 474-75.

7 17.3 Defendant King County (through its jail personnel) strip searched and/or body cavity
8 searched Plaintiffs, absent a warrant, reasonable suspicion, probable cause, or the other
9 requirements of RCW 10.79 *et seq.*

10 17.4 There was no lawful, reasonable, or rational justification for the strip searches and/or body
11 cavity searches Defendant King County conducted on the Plaintiffs.

12 17.5 Defendant King County’s unlawful strip searches and/or body cavity searches violated
13 Plaintiffs’ rights under the Washington State Constitution Article I, Section 7.

14 17.6 The BLM/George Floyd protests continue to this day. Without significant changes to how
15 the County and its officers operate, there remains an unacceptable risk that similar
16 constitutional violations will occur in the future. An injunction is warranted to prevent
17 further future constitutional violations.

18 **XVIII. INTRUSION INTO SECLUSION**
19 **AGAINST KING COUNTY**
20 **BY PLAINTIFFS GREGSON, LOOK, MILLS, PEACOCK, AND POULL**

21 18.1 One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of
22 another or his private affairs or concerns, is subject to liability to the other for invasion of
23 their privacy, if the intrusion would be highly offensive to a reasonable person.

24 18.2 The invasion may occur by physical intrusion into a place in which the plaintiff has

1 secluded themselves; by the use of the defendant's senses, with or without mechanical aids,
2 to oversee or overhear the plaintiff's private affairs; by some other form of investigation or
3 examination into their private concerns.

4 18.3 Defendant King County (through its jail personnel) committed the tort of intrusion into
5 seclusion against Plaintiffs.

6 18.4 As a direct and proximate result of these violations, Plaintiffs suffered damages.

7 18.5 The individual officers, employees, and other agents employed by Defendant King County
8 were acting within the course and scope of their employment with the County at the time
9 of the above-described acts and omissions, and in furtherance of the County's business.
10 Defendant King County is vicariously liable for the negligence of the individual officers
11 under *respondeat superior*.

12 **XIX. WA CONST, ART. 1, SEC. 4**
13 **UNCONSTITUTIONAL RESTRAINTS AND PUNISHMENT**
14 **ON FREE SPEECH AND ASSEMBLY**
15 **AGAINST CITY OF SEATTLE**
16 **BY ALL PLAINTIFFS**

17 19.1 Under the Washington State Constitution Article I, Section 4, "The right of petition and of
18 the people peaceably to assemble for the common good shall never be abridged." This
19 Section is the State law equivalent of part of the First Amendment of the United States
20 Constitution. It guarantees the right to be free of unreasonable restraints on or
21 consequences to peaceful assembly for a cause, such as the anti-racism cause of the
22 peaceful protester plaintiffs.

23 19.2 While State and local governments are allowed to place reasonable restrictions on protests,
24 subject to arrest and due process, they may not deter or punish constitutionally protected
speech with threats or use of violence.

1 19.3 The peaceful protester plaintiffs were exercising their constitutionally protected rights to
2 assemble in support of anti-racism in policing and the judicial system, as well as anti-police
3 brutality, which our Supreme Court has repeatedly recognized as an ongoing and pervasive
4 threat to the justice system and society as a whole.

5 19.4 The SPD responded to the peaceful protester plaintiffs' message of anti-racism and anti-
6 police brutality with violence.

7 19.5 The SPD's unreasonable and disproportionate conduct was motivated by the anti-racism
8 and anti-police brutality viewpoints being expressed by the peaceful protester plaintiffs.

9 19.6 The SPD's conduct had the purpose and effect of chilling plaintiffs and others like them
10 from exercising their rights to peaceful assembly.

11 19.7 The above-described conduct by Defendant City of Seattle (through the SPD) violated the
12 peaceful protester plaintiffs' rights under the Washington State Constitution Article I,
13 Section 4.

14 19.8 The BLM/George Floyd protests continue to this day. Without significant changes to how
15 the SPD and its officers operate, there remains an unacceptable risk that the SPD will
16 continue to respond to messages of anti-racism and anti-police brutality with unreasonable
17 and disproportionate conduct, motivated by the viewpoints being expressed by peaceful
18 protesters, with the purpose and effect of chilling the exercise of free speech and assembly.
19 Numerous Plaintiffs are reluctant to continue protesting or have stopped protesting
20 altogether because of injuries they have suffered and fear of similar future conduct by the
21 SPD, which is itself a suppression of Plaintiffs' constitutional rights. An injunction is
22 warranted to prevent further future constitutional violations.

**XX. WA CONST, ART. 1, SEC. 4
UNCONSTITUTIONAL RESTRAINTS AND PUNISHMENT
ON FREE SPEECH AND ASSEMBLY
AGAINST KING COUNTY**

**BY PLAINTIFFS COONEY, FOWLER, GREGSON, J. KOENIGSBERG, LOOK,
MILLS, PEACOCK, POUILL, AND VERGARA-MADDEN**

20.1 Under the Washington State Constitution Article I, Section 4, “The right of petition and of the people peaceably to assemble for the common good shall never be abridged.” This Section is the State law equivalent of part of the First Amendment of the United States Constitution. It guarantees the right to be free of unreasonable restraints on or consequences to peaceful assembly for a cause, such as the anti-racism cause of the peaceful protester plaintiffs.

20.2 While State and local governments are allowed to place reasonable restrictions on protests, subject to arrest and due process, they may not deter or punish constitutionally protected speech with threats or use of violence.

20.3 The peaceful protester plaintiffs were exercising their constitutionally protected rights to assemble in support of anti-racism in policing and the judicial system, as well as anti-police brutality, which our Supreme Court has repeatedly recognized as an ongoing and pervasive threat to the justice system and society as a whole.

20.4 The County responded to the peaceful protester plaintiffs’ message of anti-racism and anti-police brutality with discriminatory retribution, including but not limited to: denial of basic necessities including food, water, and medical care; denial of access to their attorneys; strip or cavity searches without cause; physical abuse; invasion or damage of their property; placement in solitary confinement or overly crowded and unsanitary cells; exposure to unreasonable risk of disease particularly in light of the COVID-19 pandemic and in violation of the County’s own March 2020 policies revised specifically to address that

pandemic; harassment; and animus towards Plaintiffs and others like them for their association with and advocacy on behalf of Black Lives Matter.

20.5 The County colluded with the SPD to over-incarcerate plaintiffs and other protesters like them, in direct violation of the County's COVID-19 pandemic protocols in place since March 2020.

20.6 The County's unreasonable and disproportionate conduct was motivated by the anti-racism and anti-police brutality viewpoints being expressed by the peaceful protester plaintiffs.

20.7 The County's conduct had the purpose and effect of chilling plaintiffs and others like them from exercising their rights to peaceful assembly.

20.8 The above-described conduct by Defendant King County violated the peaceful protester plaintiffs' rights under the Washington State Constitution Article I, Section 4.

20.9 The BLM/George Floyd protests continue to this day. Without significant changes to how the County and its officers operate, there remains an unacceptable risk that the County will continue to respond to messages of anti-racism and anti-police brutality with unreasonable and disproportionate conduct, motivated by the viewpoints being expressed by peaceful protesters, with the purpose and effect of chilling the exercise of free speech and assembly. Numerous Plaintiffs are reluctant to continue protesting or have stopped protesting altogether because of injuries they have suffered and fear of similar future conduct by the County, which is itself a suppression of Plaintiffs' constitutional rights. An injunction is warranted to prevent further future constitutional violations.

**XXI. BIASED POLICING
AGAINST CITY OF SEATTLE
BY ALL PLAINTIFFS**

21.1 Seattle Municipal Code 14.11 prohibits biased policing defined as "selective enforcement

1 or non-enforcement of the law, including the selecting or rejecting of particular policing
2 tactics or strategies, by a police officer, the effect of which is to adversely affect or
3 differentiate between or among individuals or groups of individuals, because of race... or
4 political ideology.”

5 21.2 SMC 14.11.050 provides a cause of action against the City when a police officer acts with
6 an intent to discriminate against an individual or group because of race or political
7 ideology.

8 21.3 The above-described conduct by Defendant City of Seattle (through the SPD) violated
9 SMC 14.11.

10 21.4 As a direct and proximate result of these violations, Plaintiffs suffered damages.

11 **XXII. COMMUNICATING FALSE OR DEROGATORY INFORMATION**
12 **AGAINST CITY OF SEATTLE**
13 **BY ALL PLAINTIFFS**

14 22.1 Seattle Municipal Code 14.12 prohibits “Communicating information known to be false or
15 derogatory with the intention of disrupting any lawful political or religious activity in
16 violation of subsection 14.12.280.B....”

17 22.2 SMC 14.12.350 provides a cause of action against the City for injuries proximately caused
18 by departmental personnel willfully in the scope and course of their duties violating this
19 code.

20 22.3 The above-described conduct by Defendant City of Seattle (through the SPD) violated
21 SMC 14.12.

22 22.4 As a direct and proximate result of these violations, Plaintiffs suffered damages.

23 22.5 Pursuant to the bargaining agreement between the City and SPOG, 78% of President Solan’s
24 salary is paid by the City for “maintaining skills and training as a police officer and all time

1 spent dealing with the City in labor-management meetings, grievances, or other such duties,”
2 and 22% by SPOG for “Guild business.”¹⁶⁹

322.6 At all times, Mr. Solan remains a Seattle Police Officer, whose conduct may unlawfully chill
4 free speech (as well as foster systemic racism and excessive force).

522.7 On information and belief, President Solan’s false and derogatory remarks as generally
6 described above, occurred during time allotted for, and paid by, the Seattle Police Department.

722.8 President Solan’s remarks were intended to disrupt lawful political activity, in violation of
8 SMC 14.12.350.

9 **XXIII. WASHINGTON LAW AGAINST DISCRIMINATION**
10 **AGAINST CITY OF SEATTLE**
BY ALL PLAINTIFFS

11 23.1 The Washington Law Against Discrimination (WLAD) prohibits discrimination and
12 preserves “[t]he right to be free from discrimination.” RCW 49.60.030(1). It is an exercise
13 of the police power of the state for the protection of the public welfare, health, and peace
14 of the people of this state, and in fulfillment of the provisions of the Constitution of this
15 state concerning civil rights. In enacting this act the legislature found that discrimination
16 threatens not only the rights and proper privileges of this state’s inhabitants but menaces
17 the institutions and foundation of a free democratic state. RCW 49.60.010.

18 23.2 “The right to be free from discrimination” includes “[t]he right to the full enjoyment of any
19 of the accommodations, advantages, facilities, or privileges of any place of public resort,
20 accommodation, assemblage, or amusement.” *Id.*; accord RCW 49.60.215.

21 23.3 In bringing suit under WLAD, the plaintiff “assumes the role of a private attorney general,
22
23

24 ¹⁶⁹ https://www.seattle.gov/Documents/Departments/OPA/Legislation/SPOG_CBA_expires_12-31-20_111418.pdf

vindicating a policy of the highest priority.”¹⁷⁰

23.4 Public streets and sidewalks are places of public accommodation and assemblage. RCW 49.60.040(2).

23.5 Defendant City of Seattle deprived Plaintiffs of the “accommodations, advantages, facilities, or privileges of [a] place of public resort, accommodation, assemblage, or amusement,” in violation of RCW 49.60.030(1)(b).

23.6 The disproportionate treatment of individuals based upon their race by law enforcement is a discriminatory practice under RCW 49.60 *et seq.*

23.7 Plaintiffs are peaceful protesters engaged in advocacy on behalf of protected classes of people disproportionately impacted by police brutality and killings, specifically Black people and others who are targeted because of their race. As such, Defendant’s contempt for their advocacy – and resulting actions and inactions – comprised unlawful retaliation.

23.8 Defendant City of Seattle was prohibited from engaging in retaliation against the peaceful BLM/George Floyd protesters – whether by engaging in excessive force against them, or failing to reasonably protect them.

23.9 Defendant City of Seattle’s retaliatory motive was a substantial factor in Defendant’s conduct.

**XXIV. PUBLIC RECORDS ACT VIOLATION
AGAINST CITY OF SEATTLE
BY ALL PLAINTIFFS**

24.1 Under the Public Records Act (PRA), government agencies are obligated to make available for public inspection and copying all public records, subject to certain exceptions and

¹⁷⁰ *Marquis v. City of Spokane*, 130 Wn.2d 97, 109, 922 P.2d 43, 49 (1996), quoted by *Zhu v. North Central Educational Service District-ESD*, 171, 189 Wn.2d 607, 614 (2017).

requirements. *See* RCW 42.56, *et seq.*

24.2 The PRA's requirements include but are not limited to the following:

24.2.1 Government agencies must adopt and enforce such rules and regulations that "shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information." RCW 42.56.100.

24.2.2 Responses to requests for public records must be made promptly. RCW 42.56.250.

24.2.3 Agencies "shall not distinguish among persons requesting records." RCW 42.56.080(2).

24.3 Defendant City of Seattle's conduct is in violation of the PRA, including but not limited to:

24.3.1 Denial of access to public records without justification or exemption;

24.3.2 Intolerably delay;

24.3.3 Failure to conduct an investigation to identify responsive records;

24.3.4 Lack of explanation as to why these public records continue to be withheld; and

24.3.5 Distinguishing among persons requesting records to the detriment of Plaintiffs.

24.4 Defendant City of Seattle has no valid excuse for failing to comply with the PRA.

24.5 Defendant City of Seattle is believed to be delaying production under the PRA in order to gain a litigation advantage over Plaintiffs, who have not been able to prepare as they normally would if such documents had been promptly provided.

24.6 Plaintiffs have been prejudiced in the preparation of their case by Defendant City of

Seattle's violations of the PRA.

24.7 Defendant City of Seattle has acted in bad faith or with gross negligence.

**XXV. DAMAGES – WRONGFUL DEATH
AGAINST CITY OF SEATTLE, STATE OF WASHINGTON, AND DAWIT
KELETE
BY PLAINTIFF SUMMER TAYLOR**

25.1 As a direct and proximate result of the above acts, omissions, and other conduct of Defendants, the Estate of Summer Jolie Williams Taylor suffered economic and non-economic damages in amounts to be proven at trial, including all damages as provided under RCW 4.20.046 and RCW 4.20.060. These damages include, but are not limited to:

- All damages described below for claims not resulting in Mx. Taylor's death,
- Past medical bills plus interest in all liquidated amounts,
- Memorial and cremation expenses,
- Pre-death pain and suffering, both mental and physical, including fear of impending death,
- Loss of net accumulations, and
- Other economic and pecuniary damages.

25.2 As a direct and proximate result of the above acts, omissions, and other conduct of Defendants, statutory beneficiaries Matthew D. Taylor, Dalia Ruth Williams Taylor, and Luke W. Taylor, suffered damages in an amount to be proven at trial, including the destruction of their familial relationships, and all other damages as provided under RCW 4.20.010, RCW 4.20.046, and RCW 4.20.060.

**XXVI. DAMAGES – PERSONAL INJURIES
AGAINST CITY OF SEATTLE
BY ALL PLAINTIFFS**

26.1 As a direct and proximate result of the above acts, omissions, and other conduct of

Defendant City of Seattle, Plaintiffs have suffered and continue to suffer physical injury, pain and suffering, mental and emotional distress, disability, disfigurement, loss of enjoyment of life, loss of liberty, humiliation, fear, and embarrassment, and other general damages in amounts to be proven at the time of trial.

26.2 As a direct and proximate result of the above acts, omissions, and other conduct of Defendant City of Seattle, Plaintiffs have been required to seek various medical treatments and will continue to require medical treatments in the future, in amounts to be proven at the time of trial.

26.3 As a direct and proximate result of the above acts, omissions, and other conduct of Defendant City of Seattle, Plaintiffs have suffered and will continue to suffer lost wages, lost earning capacity, medical expenses, property damage, injury to reputation, financial losses due to wrongful prosecution, and other special damages, in amounts to be proven at the time of trial.

26.4 Due to the continuing nature of the protests and the police's response to those protests, Plaintiffs' injuries and damages are continuing. The incidents and damages as described in this complaint are merely a summary, and not a comprehensive list.

26.5 Plaintiffs have incurred other damages to be proven at the time of trial.

**XXVII. DAMAGES – PERSONAL INJURIES
AGAINST KING COUNTY
BY PLAINTIFFS COONEY, FOWLER, GREGSON, J. KOENIGSBERG,
LOOK, MILLS, PEACOCK, POUILL, AND VERGARA-MADDEN**

27.1 As a direct and proximate result of the above acts, omissions, and other conduct of Defendant King County, Plaintiffs have suffered and continue to suffer physical injury, pain and suffering, mental and emotional distress, disability, disfigurement, loss of enjoyment of life, loss of liberty, humiliation, fear, and embarrassment, and other general

damages in amounts to be proven at the time of trial.

27.2 As a direct and proximate result of the above acts, omissions, and other conduct of Defendant King County, Plaintiffs have been required to seek various medical treatments and will continue to require medical treatments in the future, in amounts to be proven at the time of trial.

27.3 As a direct and proximate result of the above acts, omissions, and other conduct of Defendant King County, Plaintiffs have suffered and will continue to suffer lost wages, lost earning capacity, medical expenses, property damage, and other special damages, in amounts to be proven at the time of trial.

27.4 Plaintiffs have incurred other damages to be proven at the time of trial.

XXVIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants jointly and severally as follows:

1. For an Order and/or Judgment determining liability as against all Defendants for their improper and unconstitutional actions and conduct described above;
2. For special and general damages in amounts to be proven at trial;
3. For costs and disbursements;
4. For all damages, fees, and expenses, and other relief available under WLAD;
5. For statutory attorneys' fees;
6. For all damages, fees, and expenses, and other relief available under SMC 14.11.
7. For all damages, fees, and expenses, and other relief available under SMC 14.12.
8. For statutory interest on the judgment from the date judgment is entered until paid in full;
9. For prejudgment interest on the special damages;

- 1 10. For prejudgment interest on liquidated damages;
- 2 11. For a declaration that the City has violated the Plaintiffs' Washington State constitutional
- 3 rights of privacy and freedom from unlawful arrest and excessive force, by using Less
- 4 Lethal Weapons and other physical force to control and suppress demonstrations, without
- 5 imminent threat of danger to person or property or probable cause, without directing it at
- 6 any specific person or people actually posing imminent threat of danger to person or
- 7 property or probable cause, without reasonable warnings to peaceful protesters in advance,
- 8 without allowing adequate time or avenues for peaceful protesters to vacate the area, and
- 9 otherwise in violation of SPD policies and constitutional mandates;
- 10 12. For an order permanently enjoining the City from violating the Washington State
- 11 constitutional rights of privacy and freedom from unlawful arrest and excessive force of
- 12 Plaintiffs and others like them, by using Less Lethal Weapons and other physical force to
- 13 control and suppress demonstrations, without imminent threat of danger to person or
- 14 property or probable cause, without directing it at any specific person or people actually
- 15 posing imminent threat of danger to person or property or probable cause, without
- 16 reasonable warnings to peaceful protesters in advance, without allowing adequate time or
- 17 avenues for peaceful protesters to vacate the area, and otherwise in violation of SPD
- 18 policies and constitutional mandates;
- 19 13. For a declaration that the City has violated the Plaintiffs' Washington State constitutional
- 20 rights of free speech and assembly, by responding to messages of anti-racism and anti-
- 21 police brutality with unreasonable and disproportionate conduct, motivated by the
- 22 viewpoints being expressed by peaceful protesters, with the purpose and effect of chilling
- 23 the exercise of free speech and assembly, and otherwise in violation of SPD policies and

1 constitutional mandates;

2 14. For an order permanently enjoining the City from violating the Washington State
3 constitutional rights of free speech and assembly of Plaintiffs and others like them, by
4 responding to messages of anti-racism and anti-police brutality with unreasonable and
5 disproportionate conduct, motivated by the viewpoints being expressed by peaceful
6 protesters, with the purpose and effect of chilling the exercise of free speech and assembly,
7 and otherwise in violation of SPD policies and constitutional mandates;

8 15. For a declaration that the County has violated the Plaintiffs' Washington State
9 constitutional rights of privacy and freedom from unlawful arrest and excessive force, by
10 strip searching and/or body cavity searching Plaintiffs, absent a warrant, reasonable
11 suspicion, probable cause, the other requirements of RCW 10.79 *et seq.*, and otherwise in
12 violation of County policies and constitutional mandates;

13 16. For an order permanently enjoining the County from violating the Washington State
14 constitutional rights of privacy and freedom from unlawful arrest and excessive force of
15 Plaintiffs and others like them, by strip searching and/or body cavity searching, absent a
16 warrant, reasonable suspicion, probable cause, the other requirements of RCW 10.79 *et*
17 *seq.*, and otherwise in violation of County policies and constitutional mandates;

18 17. For a declaration that the County has violated the Plaintiffs' Washington State
19 constitutional rights of free speech and assembly, by responding to messages of anti-racism
20 and anti-police brutality with unreasonable and disproportionate conduct, motivated by the
21 viewpoints being expressed by peaceful protesters, with the purpose and effect of chilling
22 the exercise of free speech and assembly, and otherwise in violation of County policies and
23 constitutional mandates;

1 18. For an order permanently enjoining the County from violating the Washington State
2 constitutional rights of free speech and assembly of Plaintiffs and others like them, by
3 responding to messages of anti-racism and anti-police brutality with unreasonable and
4 disproportionate conduct, motivated by the viewpoints being expressed by peaceful
5 protesters, with the purpose and effect of chilling the exercise of free speech and assembly,
6 and otherwise in violation of County policies and constitutional mandates;

7 19. For an order requiring Defendants to expunge, purge, and/or seal any and all arrest and
8 charging records for the Plaintiffs arising out of the protests;

9 20. For judgment against Defendant City of Seattle under RCW 42.56 *et seq.* as follows:

10 a. An Order to Show cause directed to Defendant City of Seattle to explain why all
11 requested records should not be immediately produced;

12 b. Declaratory Judgment determining that Defendant City of Seattle is in violation of
13 the statute;

14 c. Disclosure and production of all requested records;

15 d. Penalties pursuant to RCW 42.56.550(4) and case law; and

16 e. Reasonable attorney fees and costs under RCW 42.56.550(4) and to the extent
17 otherwise permitted by law.

18 21. For such other and further relief as the Court may deem just and equitable.

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1 DATED this 2nd day of April, 2021.

2 STRITMATTER KESSLER KOEHLER MOORE

3 

4
5 Karen K. Koehler, WSBA#15325
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CERTIFICATION

I hereby certify that on April 2, 2021, I delivered a copy of the document to which this certification is attached for delivery to all counsel of record as follows:

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/s/ Krysta Renton
Krysta Renton, Paralegal